

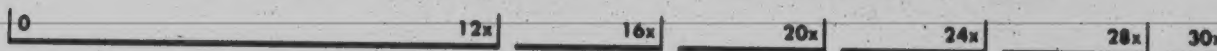


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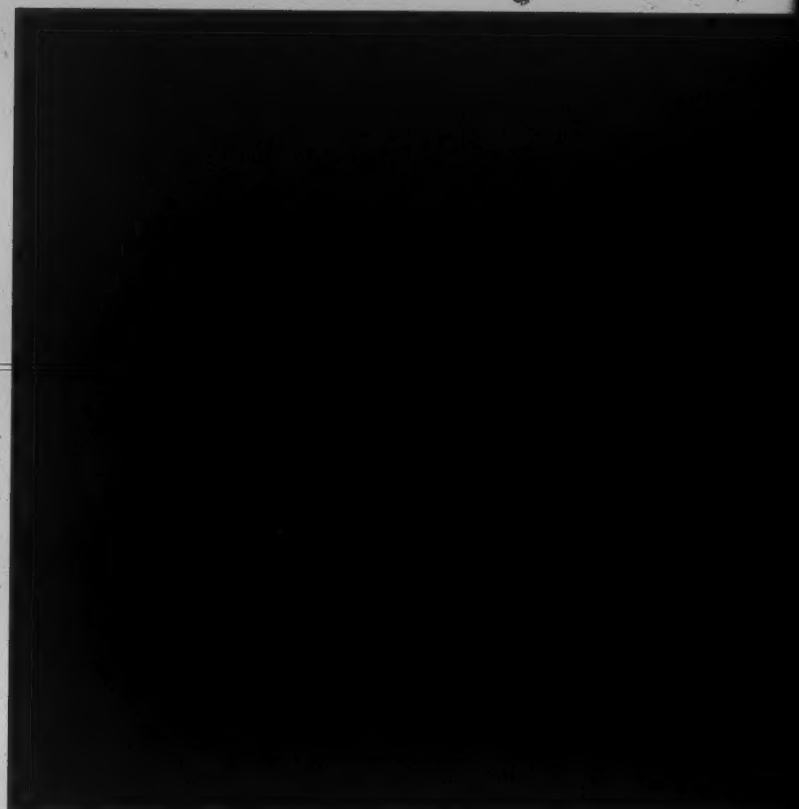
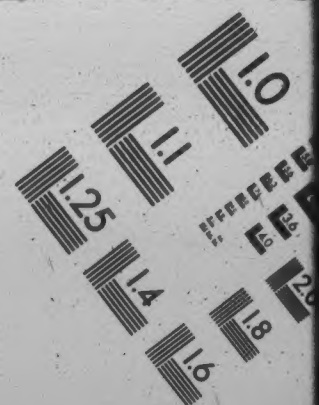
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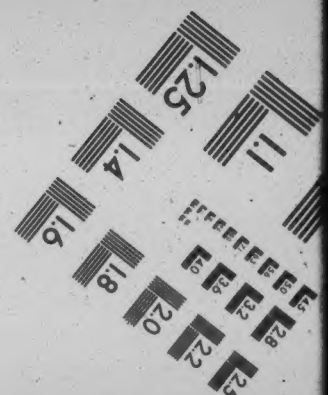
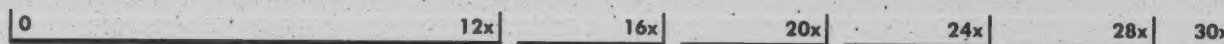
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 118

MISSISSIPPI CHOCTAW MCR 2741 - MCR 2837

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 2741

Docie Richardson

MCR 2741

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Docie Richardson for the identification of herself and two minor children as Mississippi Choctaws.

Docie Richardson, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Docie Richardson.
Q What is your age? A Twenty Six.
Q What is your post office address? A Polkville, Mississippi.
Q What county is that in? A Smith.
Q How long have you lived in the State of Mississippi? A Twenty six years.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Daniel Keen.
Q Is your mother living? A Yes sir.
Q What is her name? A Jamie Keen.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Has your father always lived in the State of Mississippi? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A I don't know.
Q Your mother has no Indian blood? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jim Richardson.
Q Is your husband living? A Yes sir.
Q Has he any Indian blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children? A Two.
Q What are their names and ages? A Annie Richardson, born December 30, 1897.
Q The next one? A 1900, the 11th of April 1900.
Q What is the child's name? A Minnie.
Q Is that all your children? A Yes sir.
Q Are you the mother of these two children? A Yes sir.
Q What is the name of their father? A Jim Richardson.
Q This application is for yourself and two minor children only? A Yes sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe? A No sir.

Decie Richardson, et al., #2.

Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made any application of any description prior to this time either to the Choctaw tribal authorities or the United States authorities to be enrolled or admitted as a citizen of the Choctaw Nation? A No sir.

Q This is the first application of any kind? A Yes sir.

Q You now desire to make application for yourself and children as Mississippi Choctaws? A Yes sir.

Q You claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir, I don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A No, I don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaw Indians here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A I don't know.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You never heard of any of your people getting any land here from the Government? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty, or ever received any benefits thereunder? A No sir.

Q Do you want permission to file documentary evidence later? A Yes sir.

Permission is granted to the applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

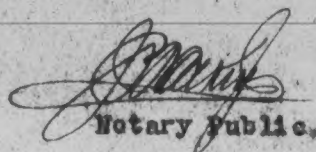
Dodie Richardson, et al., #3.

(This applicant has the appearance of being a white woman, and has no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.


Notary Public.

COPY.

M. C. R. 2741

Muskogee, Indian Territory, October 21, 1902.

Dodie Richardson,

Polkville, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Dodie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Wesbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Glennie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Ray Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Morris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 8741

COPY

Washoe, Indian Territory, March 24, 1903.

Beale Richardson,

Folkville, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Tame Dixie
Chairman.

MUR-2741.

COPY

Muskegee, Indian Territory, January 11, 1907.

Bessie Richardson,
Polkville, Mississippi.

Dear Madam:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

Wams J. Kirby.

Commissioner.

Docie Richardson
Et al.

REFUSED

DECISION RENDERED OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R. 1805

#993

No. 2741

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name *Loeie Richardson*

Age 26 Blood $\frac{1}{16}$

Post Office, *Polkville, Miss*

Father: *Daniel Keen* L

Mother: *Janie* L

Claims through *father*
husband

Jim Richardson (co) L
no claim for husband

Children:

Annie Richardson 3

Minnie " 1

(Claims for self and 2
minor children)

Stenographer

R. L. Street

Choctaw. MCR 2742

Jim Keen

MCR 2742

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Jim Keen for
identification as a Mississippi Choctaw.

Jim Keen, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Jim Keen.
Q What is your age? A Twenty four.
Q What is your post office address? A Polkville.
Q What county? A Smith County.
Q How long have you lived in Mississippi? A All the time; twenty
four years. Born and raised here.
Q Is your father living? A Yes sir.
Q What is his name? A Daniel Keen.
Q Is your mother living? A Yes sir.
Q What is her name? A Janie Keen.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q How long has your father lived in the State of Mississippi? A All
his life in the State of Mississippi, as far as I know.
Q Was your father ever recognized in any manner or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal authori-
ties or the United States authorities? A Not that I know of.
Q Are you married? A No sir.
Q This application then is for yourself only? A Yes sir.
Q Is your name to be found on any of the Choctaw tribal rolls in
Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities
in Indian Territory to be enrolled as a member of the tribe? A No sir.
Q Did you, or any one for you, in 1896, make application to the
Commission to the Five Civilized Tribes for citizenship in the
Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by the Choctaw authorities, the Commission to the Five Civil-
ized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made any application of any description prior to
this time, either to the Choctaw authorities or to the United
States authorities to be admitted or enrolled as a citizen of the
Choctaw Nation? A No sir.
Q You now desire to make application for the identification of
yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim your rights as a beneficiary under the Article Four-
teen of the Treaty of Dancing Rabbit Creek? A Yes sir.
Q Have you ever received any benefits as a Choctaw Indian? A No sir.
Q Have any of your ancestors ever received any benefits as Choctaw
Indians? A Not that I knew of.
Q Were any of your ancestors living in the old Choctaw Nation in
Mississippi and Alabama in the year 1830, when the Treaty of Dancing
Rabbit Creek was made? A I don't know.

Jim Keen, #2.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records deeds or patents, or any other papers showing that your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, or ever received any benefits under that article of that treaty? A No sir.

Q Do you want permission to file some at a later date? A Yes sir. Permission is granted to applicant to file documentary evidence in support of his application within thirty days.

(This applicant has every appearance of being a white man and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

R. S. Streit
[Signature]
Notary Public.

COPY.

M. C. R. 2742

Muskogee, Indian Territory, October 21, 1902.

Jim Keen,

Polkville, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803.
Dodie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarnon,	" 3133
Fannie McPherson, et al.,	" 3134
Nesbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2748

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Dooie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Morris Keen, Mary Keen, Tom Keen (2), Bob Keen, Glad Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 2742

Waukegon, Indian Territory, March 24, 1903.

Jim Keen,

Folkville, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

W.H.C.H.

Tams Dixie
Chairman.

MCR-2742.

in Muskogee, Indian Territory, January 11, 1907.

Jim Keen,
Polkville, Mississippi.

Dear Sir:

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the application of yourself is a part.

Respectfully,

SIGNED

Commissioner.

#994

No.

2742

For Identification as 2-Mississippi Choctaw.

Date JUN 26 1901

Name

Jim Keen

Age

24

Blood

1/16

Post Office,

Parkville, Miss

Father:

Daniel Keen

L

Mother:

Janie

L

Claims through

father

(Claims for self alone)

Children:

Stenographer

R. S. Strit

A MISSISSIPPI CHOCTAW

Jim Keen
REFUSED

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R. 1803.

Choctaw MCR 2743

Daniel Maples

MCR 2743

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Daniel Maples for
identification as a Mississippi Choctaw.

Daniel Maples, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Daniel Maples.
Q What is your age? A Twenty four years old.
Q What is your post office address? A Beauregard, Mississippi.
Q How long have you lived in the State of Mississippi? A All my
life.
Q Is your father living? A Yes sir.
Q What is his name? A Sylvester Maples.
Q Is your mother living? A Yes sir.
Q What is her name? A Frances.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother.
Q Has your mother always lived in the State of Mississippi? A Yes
sir.
Q What proportion of Choctaw blood do you claim to have ? A 1/16
Q Was your mother ever recognized in any manner or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities? A I don't know.
Q Are you married? A No sir.
Q This application is for yourself alone? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Ter-
ritory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities
to be enrolled as a member of the tribe? A No sir.
Q Did you, or any one for you, in 1896, make application to the
Commission to the Five Civilized Tribes for citizenship in the
Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by the Choctaw tribal authorities, the Commission to the Five Civil-
ized Tribes or the United States Court in Indian Territory? A No
sir.
Q Have you ever made application prior to this time, either to the
Choctaw tribal authorities or to the United States authorities
to be enrolled or admitted as citizens of the Choctaw Nation? A No
sir.
Q You now desire to make application for identification as a Miss-
issippi Choctaw? A Yes sir.
Q Do you claim your rights as under the provisions of the Fourteenth
Article of the Treaty of Dancing Rabbit Creek? A Yes sir.
Q Have you ever received any benefits as a Choctaw Indian? A No
sir.
Q Did any of your ancestors ever received any benefits as Choctaw
Indians? A I don't know sir.
Q Were any of your ancestors living in the old Choctaw Nation in
Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit
Creek was made? A I don't know.

Daniel Maples, #2.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama in 1830, when this Treaty of Dancing Rabbit Creek was made?

A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the ~~Chas~~ greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A No sir.

Q You have no evidence, have you, that your ancestors were, in 1830, when this Treaty was made, recognized members of the Choctaw tribe of Indians? A I have not.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A I don't know.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder? A No sir, I would like to file some later.

Permission is granted to the applicant to file documentary evidence in support of this application within thirty days.

(This applicant has the appearance of a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of Section Twenty one of the Act of Congress of June 28, 1898, and a copy of same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above cause on June 26, 1901 and the foregoing is a full, true and correct translation of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi this 26th day of July, 1901.

R. S. Streit
[Signature]
Notary Public.

Mustoge, Indian Territory, January 5, 1902.

B. F. Jones,

Beauford, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant in which you ask if the decision of the attorney general will affect the applications of Frances Maple et al. and Daniel Maple for identification as Mississippi Choctaws; that these parties appeared at Meridian, Mississippi last summer and applied for identification as Mississippi Choctaws and have as yet received no decisions.

In reply to your letter you are advised that no decisions have yet been reached or opinions rendered relative to the rights of these parties as Mississippi Choctaws, and until the cases are taken up for final determination no opinion can be rendered concerning the rights of the applicants, the sufficiency of the evidence or the effect of legislation on the said applications. As soon as decisions are reached, the applicants will be advised of the action taken by the Commission.

Yours truly,

NO 2715
NO 2743

Commissioner in Charge.

COPY.

N O R 2745

McKague, Indian Territory, October 15, 1902.

Daniel Naples,

Beauregard, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frances Naples, et al., embracing the following applications for identification as Mississippi Choctaws:

Frances Naples, et al., N O R 2715
Daniel Naples, N O R 2745

These applications were made under the provision of the act of Congress of June 26, 1888, (25 Stats., 495.,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frances Naples, John Naples, Reuben Naples, Winnie Naples, Jimmie Naples and Daniel Naples as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

D. H. — 7

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIC)

E. D. Hooten
Commissioner in Charge

Registered.

COPY

M.C.R. 2743

Washington, Indian Territory, December 31, 1902.

Daniel Maples,
Beauregard, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frances Maples, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tamie Bixby
Acting Chairman.

A MISSISSIPPI-CHOCTAW

Daniel Moples

REFUSED

DECISION RENDERED. OCT 15 1902

NOTICE OF DECISION BY SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW NATIONS

OCT 15 1902

RECORDS DEPARTMENT

OCT 31 1902

ACTION BY SECRETARY OF INTERIOR

DEC 18 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKSAW NATIONS

DEC 18 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

REFER TO M. C. R. 2715

#995

No

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Daniel Maples

Age 24 Blood $\frac{1}{16}$

Post Office Beauregard Miss

Father: Sylvester Maples L

Mother: Frances " L

Claims through mother

(Claims for self only).

Children:

Stenographer

R. S. Strick

Choctaw MCR 2744

Savilla Richardson

MCR 2744

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Savilla Richardson for the identification of himself and four minor children as Mississippi Choctaws.

Savilla Richardson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Savilla Richardson.
Q What is your age? A About twenty eight.
Q What is your post office address? A Polkville.
Q What state? A Mississippi.
Q Where were you born? A In Mississippi.
Q At what place? A Right there at Polkville.
Q Always lived there? A Yes.
Q What is your father's name? A Dan Keen.
Q Is he living or dead? A He is living.
Q What is your mother's name? A Jane Keen.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Father.
Q How much do you claim? A One sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Allen Richardson.
Q Is he white? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children under twenty one years of age and unmarried?
A Yes, I have got four.
Q Give me the names and ages? A Reuben, eight; Albert, six; Bettie four and Nora, one.
Q Is Allen Richardson the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you married to your husband under license? A Yes sir.
Q In Mississippi? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for yourself and children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
Q Did you or any one for you in 1896 make under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States for yourself and children to be admitted or enrolled as citizens of

Savilla Richardson----2.

of the Choctaw nation? A No sir.

Q Is this the first application of any kind you have ever made?

A Yes sir.

Q You now seek to be identified as Mississippi Choctaws? A Yes, sir.

Q Do you claim this right for yourself and children as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No sir.

Q Did any of your ancestors remove from Mississippi or Alabama and go to the Indian Territory at the time of the removal of the other Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi that they intended to stay in Mississippi and become citizens of the states? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir, my father can.

Q What is his name? A Ben Keen.

Q Is there anything further you want to say in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No sir.

Q Would you like time in which to introduce documentary evidence? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance of a white person. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and four minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony, at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes

Cavilla Richardson--2.

he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H. Christen

Subscribed and sworn to before me at Meridian, Mississippi, this
2nd day of July, 1901.

[Signature]

Notary Public.

COPY.

M. C. R. 2744.

Muskogee, Indian Territory, October 21, 1902.

Savilla Richardson,

Polkville, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Decie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmen,	" 3133
Fannie McPherson, et al.,	" 3134
Herbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Pannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Herbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 2744

Wahkago, Indian Territory, March 24, 1903.

Navilla Richardson,

Felkville, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Tams Bixby.

Chairman.

MCR-2744.

0027

Muskogee, Indian Territory, January 11, 1907.

Savilla Richardson,
Polkville, Mississippi.

Dear Madam:

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

SIGNED

Commissioner.

A MISSISSIPPI CHOCTAW

B. 274

Savilla Richardson
Et al

REFUSED

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R.

1803

#996

No 2744

For Identification as a Mississippi Choctaw.

Date

JUN 26 1901

Name Savilla Richardson

Age

28

Blood

1/16

Post Office,

Polkville Miss.

Father:

Van Keen, l.

Mother:

Jane Keen, l.

Claims through

husband father —
Allen Richardson, v.

No claim for husband

Children:

Reuben — 8

" } Albert — 6

" } Bettie — 4

" } Nora — 1 yr.

Claims for self &
children

Stenographer

H.C. Ruston

Choctaw MCR 2745

Josiah Keen

MCR 2745

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Josiah Keen for the identification of himself and four minor children as Mississippi Choctaws.

Josiah Keen, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Josiah Keen.
- Q What is your age? A Thirty two.
- Q What is your post office address? A Polkville, Mississippi.
- Q How long have you lived at Polkville? A I have been living there all my life.
- Q Born and raised there? A Yes, within a mile of there.
- Q What is your father's name? A Daniel Keen.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Jane Keen.
- Q Living? A Yes sir.
- Q Through which one of these parents do you claim Choctaw blood?
- A My father.
- Q How much do you claim? A One sixteenth.
- Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sarah A.
- Q Is she a white woman? A Yes sir.
- Q Make any claim for her? A No sir, none at all.
- Q Have you any children under twenty one years of age and unmarried?
- A Four.
- Q What is the name of the oldest? A Clyde.
- Q Boy? A Yes sir.
- Q How old is Clyde? A Seven.
- Q What is the name of the next? A Herbert.
- Q How old? A Five.
- Q Next? A Three.
- Q What is the name? A Sallie.
- Q Next? A Eva.
- Q How old is Eva? A One year old.
- Q Is your wife, Sarah A., the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q Were you married to her under license? A Yes sir.
- Q Have you your license with you? A No sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for yourself and children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or any one for you in or for your children in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Dawes Commission? A No sir.

Josiah Keen---2.

- Q Have you ever been admitted to citizenship in the Choctaw Nation or your children by either the Choctaw tribal authority, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this to any authority for yourself or children, either to the Choctaw tribal authorities or to the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application you have ever made? A Yes sir.
- Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you make this claim as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir, not that I ever heard of.
- Q Can you give the names of any of your ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe of Indians in 1830? A Daniel Davis.
- Q What kin was he to you? A My great grandfather.
- Q Your father's grandfather? A Yes sir.
- Q Was he a full blood Choctaw Indian? A One half.
- Q Have you any proof that he was a half blood Choctaw? A I think I have.
- Q Have you it with you? A No sir, I have not.
- Q Did any of your ancestors go from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory when the other Indians went between the years 1832 and 1839? A No.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi that they intended to remain in Mississippi and become citizens of the United States? A Not that I know of.
- Q Have any of your ancestors ever received or claimed any land in Mississippi under article fourteen of the treaty of 1830? A No sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Have you any further statements you want to make in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No sir.
- Q Would you like time in which to introduce such testimony? A Yes.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application also marriage license and certificate or certified copy of same.

This applicant appears to be a white person. He has no knowledge of the Choctaw language and no knowledge of any compliance by his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your four minor children as Mississippi Choctaws will be determined at the earliest possible

Josiah K. ...

date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 20, 1808, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of July, 1901.

[Signature]

Notary Public.

COPY

M.C.R. 2748

Waskagee, Indian Territory, October 21, 1902.

Josiah Keen,

Polkville, Mississippi.

Dear Sir:

You are hereby advised that on the 21st day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Dosie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Hesbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2748

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Dwyer
Acting Chairman.

Registered.

COPY.

M.C.R. 2948

Muskogee, Indian Territory, March 24, 1903.

Josiah Keen,

Folkville, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

James Dixby.

Chairman.

MCR-2745.

COPY

Muskogee, Indian Territory, January 11, 1907.

Jesiah Keen,
Polkville, Mississippi.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

SIGNED

Edms. R. R. R.

Commissioner.

#997

No 3745

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Josiah ^{Keen} ~~Henry~~
Age 32 Blood #8 1/16

Post Office, Polkville, Miss.

Father: Waniel Keen, l

Mother: Jane " l

Claims through father
wife Sarah a " white

No claim for wife

Children:

Clyde, (boy)	\$7
Herbert	5
Sallie	3
Eva	1

Claims for self & children

Stenographer H. C. Roston

A MISSISSIPPI CHOCTAW
REFUSED

Josiah Keen et al.

DECISION RENDERED OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. O. R.

Choctaw MCR 2746

Tilmon Peoples

MCR 2746

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tilmon Peoples for
identification as a Mississippi Choctaw, N S N 2744.

List of papers forwarded to Secretary of the Interior,
comprising the record in above entitled case.

Original application of Tilmon Peoples
to the Dawes Commission for identifica-
tion as a Mississippi Choctaw..... 1
Decision of the Commission refusing the
application of Tilmon Peoples for
identification as a Mississippi Choctaw..... 4

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Tilmon Peples for identification as a Mississippi Choctaw.

Tilmon Peples, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Tilmon Peples.
Q What is your age? A Twenty one.
Q What is your post office address? A Mobile, Alabama.
Q Any Street numbers there? A Yes sir.
Q What is it? A 209 Wilkison Street.
Q How long have you lived in Alabama? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Henry Peples.
Q Is your mother living? A No sir.
Q What was her name? A Alice Peples.
Q Through which one of your parents do you derive your Choctaw blood?
Q My pa.
Q What proportion of Choctaw blood do you claim to have? A They say he was a whole Indian; my mother was a white woman.
Q Your mother was a slave? A Yes sir.
Q Your father was too? A No sir.
Q Did you ever see your father? A No sir, he died when I was small.
Q All you know that you have Choctaw blood is what you heard, ~~misheard~~ and you heard he was a full blood Choctaw Indian? A Yes sir.
Q Could you swear positively that he was a Choctaw Indian? A No sir; I am going by what my people and his people say.
Q Where do they live? A Some of them twenty five miles from Alabama River.
Q What kind of Indians are they? A These Choctaws.
Q Now, how much Choctaw blood do you think you have? A Half.
Q You are willing to swear positively that you have Choctaw blood? A Yes sir; that's what they say, my pa was whole Indian.
Q Did your father speak or understand the Choctaw language? A I don't know sir.
Q Did your father live in Mississippi? A Not as I know of.
Q Was your father married to your mother? A Yes sir.
Q How do you know? A That's what they say; my mother died when I was about ten years old, and my pa died when I was small.
Q Just hearsay? A Yes sir.
Q You don't know whether your father was ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw authorities or the United States authorities? A No sir.
Q Are you married? A No sir.
Q This application is for yourself alone? A Yes sir.

Tilmon Peoples, #2.

Q Is your name to be found upon any of the Choctaw tribal rolls out in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? Under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time either to the Choctaw tribal authorities, or to the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q This is the first application of any description you have made? A Yes sir.

Q You now desire to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your rights as a beneficiary under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Not that I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know sir.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know sir.

Q You have no evidence that they were, any of them, ? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A, No sir.

Q Did any of your ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek signify to the United States Indian Agent of the Choctaw here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty or ever received any benefits thereunder? A No sir.

Q Do you desire permission to file such papers at a later date? A Yes sir.

Filmon Peoples, #3.

Thirty days time from the date hereof is allowed this
this applicant in which to file any proper documentary
evidence she may desire in support of this application.

(This applicant appears to be a negro, and shows no
indication of being possessed of Indian blood. He does
not speak or understand the Choctaw language.)

The decision of the Commission as to the application you
make at this time for identification as a Mississippi
Choctaw will be determined at the earliest possible
date, and a report of same made to the Secretary of the
Interior, conformable to the provisions of the Twenty
First Section of the Act of Congress of June 28, 1898, and
a copy of the same will be mailed to you to your post of-
fice, address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states
that as stenographer to the Commission to the Five Civilized Tribes,
he reported in full all proceedings had in the above entitled cause
on the 26th day of June, 1901, and that the above and foregoing is a
full, true and correct translation of his stenographic notes of said
proceedings in said cause on said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi,
this 26th day of July, 1901.

[Signature]
Notary Public.

Coll.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE SEVE CIVILIZED TRIBES.

referred

In the matter of the application of Tilman Peoples for
identification as a Mississippi Choctaw, N O A 2746.

DECISION

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Tilman Peoples for himself, under the following provision of the
act of Congress approved June 20, 1900 (32 Stat., 438):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, by reason of being

a descendant of one Henry Poples, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 531).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Poples, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897 (5 Stat., 100), and August 23, 1898 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Filmon Poples as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and that the application for his
rehabilitation as such should be refused, and it is so ordered.

CONSENTED TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tarne Dixby.

ADJUTANT GENERAL.

SIGNED. T. B. Needles.

ADJUTANT GENERAL.

SIGNED. C. R. Breckinridge.

ADJUTANT GENERAL.

Muskogee, Indian Territory.

Oct 16 1902

Muskogee, Indian Territory October 16, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tilmon Peoples applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tilmon Peoples as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

W H & G-2

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

John L. ...

Acting Chairman.

COPY.

M.C.R. 2746.

Muskogee, Indian Territory October 16, 1902.

Tilmon Peoples,

#209 Wilkison St.

Mobile, Alabama.

Dear Sir:

You are hereby advised that on the 16th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tilmon Peoples applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tilmon Peoples as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

T. P.-2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixey.

Acting Chairman.

Registered.

COPY

Washoe, Indian Territory, November 1, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of
Timon Peoples, an applicant to the Commission for identification
as a Mississippi Choctaw, including the decision of the Commission
of October 16, 1902.

The Commission has the honor to report that the principal
applicant in this case and the attorneys for the Choctaw and
Chickasaw Nations have been duly advised by letter of the action
of the Commission, copies of said letters being attached to the
record.

Respectfully,

James H. Smith
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. H C R 2746

D.C.No.4306-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.

RAF.

Washington.

ITD.892-1903.

February 7, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 1, 1902, you transmitted the record in the matter of the application of Tilmon Peples for identification as a Mississippi Choctaw, including your decision of October 16, 1902, adverse to the applicant.

The applicant claims his Choctaw descent through his father, Henry Peples, from more remote ancestors whom he does not name. It is alleged that Henry Peples was a full blood Choctaw Indian.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Henry Peples or any person of the surname of Peples complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting in the matter January 19, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the record in

1-2-
this case, and, finding no reason to disturb your decision,
it is hereby affirmed.

Respectfully,

SIGNED,

Thos. Ryan,
Acting Secretary.

1 inclosure.

Land
66034--1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, record of the Commission to the Five Civilized Tribes, in the matter of the application of Tilmen Peples, for identification as a Mississippi Choctaw, wherein a decision adverse to his claims was rendered by the Commission on October 16, 1902.

The examination in this case was very inadequate and unsatisfactory, and the applicant bases his claims on his descent from more remote ancestors but only gives the name of his father, Henry Peples.

The Commission rejected the applicant on the ground that the name of his father, Henry Peples, does not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. While the evidence in this case is incomplete and should have been more exhaustive, still the applicant claims through his

father, Henry Peples, necessarily then the parents of Henry Peples must have had the surname of Peples.

An examination of the records of this office shows that there was no person of the surname of Peples who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. Therefore it is my judgment that the decision of the Commission rejecting the applicant should be approved, and I recommend accordingly.

Very respectfully,

W. A. Jones,
Commissioner.

E.B.H.(E.)

N.O.R. 2746

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Wilson Peoples, of which decision you were advised by mail on the 16th day of October, 1902.

Respectfully,

SIGNED

Tame Dixby.

Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2746

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1903.

Tilmon Peoples,
#209 Wilkinson, St.,
Mobile, Alabama.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Tilmon Peoples, of which decision you were advised by registered mail on the 16th day of October 1902.

Respectfully,

Chairman.

#998

No. 2746

For Identification as a Mississippi Choctaw.

Date JUN 6 1901

Name *Tilmon Peoples*

Age 21 Blood $\frac{1}{2}$

Post Office, *Mobile Ala*
209 Wilkinson St.

Father: *Henry Peoples* d

Mother: *Alice* d

Claims through *father*

(Claims for self only.)

Children:

Stenographer

R. S. Freit

R. 7746
Tulmon Peoples

REFUSED

DECISION RENDERED. OCT 16 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 16 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 16 1902

RECORD FORWARDED DEPARTMENT.

NOV 1 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 7 1903

NOTICE OF DECISIONAL ACTION
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DECISIONAL ACTION
FORWARDED APPLICANT.
AND CHICKASAW NATIONS

FEB 21 1903

Not found at 1119 South 10th Avenue #4 Lead. 2-27-1903



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1903

[Signature]

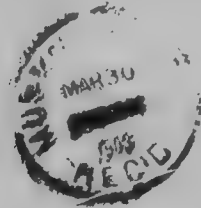
CHAIRMAN

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DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 2 1903

[Signature]

CHAIRMAN

File
2746

Not found at 509 South Wilkinson #4 recd. 2-27-1903

Not found at 1107th 1111th

UNCLAIMED

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURNED TO WRITER

~~W. L. P. Jones,~~
~~#999 Wilkinson St.,~~

~~Mobile, Alabama.~~

2746

F I L
NOV 1902

ACTING CHAIRMAN

Found at 200 S. 1st Avenue at West 14. Nov 10-21-1902



2746

Found at 209 S. Wilshire St. Dist 4. Nov 10-21-1902

NOV 11

1902

POSTING CHAIRMAN

NOV 11 1902

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

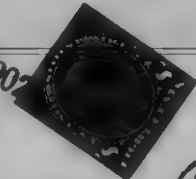
Penalty for private use, \$300.



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OCT 21 1902



William ...

309 Wilkerson St

Mobile,

Alabama,



Choctaw MCR 2747

Tom Fortune

See MCR 6367, 2937

See Miss. Choc. #134

MCR 2747

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Tom Fortune, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Tom Fortune, et al.,	M.C.R. 2747
Pearlie Fortune,	M.C.R. 5367
Mary Wilkins, et al.,	M.C.R. 2937

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Tom Fortune, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Pearlie Fortune to the Dawes Commission for identification as a Mississippi Choctaw-----	4
Original application of Mary Wilkins, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	12
Decision of the Commission refusing the ap- plications in the consolidated case of Tom Fortune, et al., for identification as Mis- sissippi Choctaws-----	16

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COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---@---

In the matter of the application of Tom Fortune, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Tom Fortune, et al.,	M.C.R. 2747
Pearlie Fortune,	M.C.R. 6367
Mary Wilkins, et al.,	M.C.R. 2937

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Tom Fortune for himself and his five minor children, Tennie, Malinda, Dabbin, Sis and Susan Fortune; by Pearl Fortune for herself; and by Mary Wilkins for herself and her minor child, Washochee Wilkins, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the testimony herein that subsequent to the making of the application in behalf of Temmie Fortune, she was married to a man by the name of Ransom Miles.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sukey Searney, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sukey Searney, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

-3-

evidence herein is insufficient to determine the identity of Tom Fortune, Tommie Miles (nee Fortune), Malinda Fortune, Bibbin Fortune, Sis Fortune, Susan Fortune, Pearlle Fortune, Mary Wilkins and Washoechee Wilkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamm Dixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

A. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. B. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 24 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Tom Fortune for the identification of himself and five minor children as Mississippi Choctaws.

Tom Fortune, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Fortune.
Q How old are you? A About fifty one.
Q What is your post office address? A Sumner, Tallahassie County, Mississippi.
Q How long have you lived there? A About two years.
Q Where were you born? A Neshoba County.
Q Where have you lived all your life until you went to Tallahassie County? A I lived in Neshoba until I was twenty one and then went to Winston.
Q Have you always lived in the state of Mississippi? A Yes sir.
Q What is your father's name? A Don't know.
Q Is he dead? A Yes sir.
Q Was he a full blood Choctaw Indian? A He was half, and other half white.
Q What is your mother's name? A I don't know, I know my grandmother.
Q Was your mother a full blood Choctaw Indian? A Yes sir, full blood.
Q Is she living? A No sir, dead.
Q Do you claim through both your father and mother? A Yes sir.
Q How much Choctaw blood do you claim? A I claim three quarters.
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No, my father didn't go to the territory, my mother's folks did go.
Q Did your father or mother go? A No, some of their folks went and never did come back.
Q Your father and mother both stayed here and died here in Mississippi? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lena.
Q Is she colored, white or Indian? A Colored.
Q Do you make any claim for her? A No sir.
Q Have you any children under twenty one years of age, and unmarried that you want to make application for now? A Yes.
Q How many children have you under twenty one? A Five.
Q Give the names and ages? A Tommie.
Q Boy? A No, girl.
Q How old? A Sixteen.
Q Next? A Malinda.
Q How old? A About fourteen.
Q Next? A Bibbin.
Q How old is Bibbin? A About twelve.
Q Next? A Sia.
Q How old? A About eight.
Q Next? A Susan.
Q How old is Susan? A About six.

Tom Fortune----2.

- Q Is that all? A That is all that are living, yes.
- Q Is Lena the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q Are they living with you at your home? A Yes sir, all living with me.
- Q Were you married under license or according to Choctaw custom? A Married by license.
- Q Have you your marriage license with you? A No sir, not now.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of that tribe? A No sir.
- Q Did you or did any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and children? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation either you or your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself and children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes made application two years ago.

The records of the Commission show that on January 22, 1899, this applicant appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, and there made application for the identification of himself and his minor children, Pearl, Ophelia, Tennie, Malinda, Davien, Sis, Susan and Delia, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 134, also upon page 52 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 472 to 480 inclusive therein.

- Q When you appeared before the Commission about two years ago, you gave in the names of Pearl, Ophelia and Delia as your children--are these children living now? A Pearl is married--the other two are dead.
- Q Whom did Pearl marry? A Wah-ha-choe.
- Q When did Ophelia die? A She died June 15, 1900.
- Q And Delia, when did she die? A She died one week later, June 22, 1900.
- Q When you appeared two years ago, the Commission got the name of one of your children as Davien--is that correct? A No, it should be Dibbin.
- Q Is it now your purpose to make application for the identification of yourself and your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim your rights as beneficiaries for yourself and them under the provisions of the fourteenth article of the treaty of 1830?

Tom Fortune----3.

A Yes., sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A Don't remember the names, all died out.

Q Do you know whether any of your ancestors remove from Mississippi or Alabama to the Indian Territory with the other Indians who went between the years 1833 and 1838? A My mother's kin folks went.

Q But did your ancestors go? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi an intention to stay in Mississippi and become citizens of the states? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No.

Q Do you talk Choctaw? A Yes sir.

Q Do you speak it better then you do English? A Yes, I can't understand English much at all.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No sir.

Q Do you want time to introduce documentary evidence? A No sir.

Q

This applicant has the appearance and characteristics of a person descended from ancestry of mixed white and Choctaw blood, in which the Choctaw blood plainly predominates. He looks more like a full blood Choctaw Indian than he does of mixed blood. He speaks the Choctaw language and also has some knowledge of the English language, his examination having been conducted without the services of a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your five minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of July, 1901.

H.C. Risteen
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---@---

In the matter of the application of Tom Fortune, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Tom Fortune, et al.,	M.C.R. 2747
Pearlie Fortune,	M.C.R. 6367
Mary Wilkins, et al.,	M.C.R. 2937

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Tom Fortune for himself and his five minor children, Tommie, Malinda, Dibbin, Sis and Susan Fortune; by Pearl Fortune for herself; and by Mary Wilkins for herself and her minor child, Washochee Wilkins, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the testimony herein that subsequent to the making of the application in behalf of Tennie Fortune, she was married to a man by the name of Ransom Miles.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sukey Searney, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sukey Searney, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

-3-

evidence herein is insufficient to determine the identity of Tom Fortune, Tommie Miles (nee Fortune), Malinda Fortune, Dibbin Fortune, Sis Fortune, Susan Fortune, Pearlle Fortune, Mary Wilkins and Washoechee Wilkins, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

L. B. Dwyer.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

J. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 24 1903

Muskogee, Indian Territory, November 21, 1901.

Mrs. P. W. Hoochee,
Jacksonville, Florida,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 6, advising of the change in your post office address. You ask information relative to your application for identification as a Mississippi Choctaw.

You are advised that it appears from our records that Tom Fortune applied for identification for himself and his minor children, at Meridian, Mississippi, June 26, 1901. At that time he stated that he had a daughter named Pearl who was married to Wa-ho-chee. It does not appear that any application has ever been made for your identification as a Mississippi Choctaw, except the one made your father in 1899, and the record made at that time is not sufficient to enable the Commission to pass on your claim.

If you desire to further prosecute your claim for identification as a Mississippi Choctaw, it will be necessary for you to appear before the Commission in person for examination under oath. You may make such personal application to the Commission either at its office at Muskogee, Indian Territory, or to the field party of

P.W.R. 8

the commission now in the field in Mississippi. You can ascertain the exact location of this party by addressing a letter to the Post Master at Meridian, Mississippi. The Commission will also hear applications for identification as Mississippi Choctaws at Meridian, Mississippi between January 15 and February 15, 1902; a copy of the notice of this appointment is herewith inclosed you.

Yours truly,

Acting Chairman.

Notice of
appointment
at Meridian.

M C R 2747

Muskogee, Indian Territory, January 15, 1903.

Tom Fortune,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you give the names of your family and state that you appeared before the Commission at Meridian, Mississippi, and "was enrolled"; you also state that you are now a resident of Hugo, Indian Territory, and that you have been informed that you must find out whether you have been accepted by the Commission before you are entitled to "stay in this Nation."

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and five minor children as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision in your case. When a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to your right to remove to and make settlement within the Choctaw or Chickasaw country, your attention is invited to the following provision of the Act of Congress approved July 1,

Tom Fortune---2

1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Respectfully,

Commissioner in Charge.

2745
M C R--- 2087
2136

Muskogee, Indian Territory, January 28, 1903.

Ed P. Scott,

Paris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., from Mr. Homer Needles and by him referred to this Commission for consideration and appropriate action. Therein you ask to be advised if "Bob Thomas, Kit Reed and Tom Fortune, all full blood Mississippi Choctaws, have been enrolled."

In reply you are informed that it appears from the records in the possession of the Commission that Bob Thomas, Kit Reed and Tom Fortune are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the right of these persons to be identified as such Mississippi Choctaws but is now considering their applications and it is probable that decisions will be rendered in the near future. The several applicants will be duly notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Acting Chairman.

M.O.R. 2747
M.O.R. 2008

Muskogee, Indian Territory, February 4, 1903.

J.S. Williams,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22d ultimo by reference from Commissioner Breckinridge. Therein you ask if the Commission has passed upon the applications of Thomas Fortune and Elijah Thomas filed with the Commission in Mississippi. You also ask if the Commission has passed upon the applications of any of the Mississippi Choctaws since June 30, 1902.

In reply to your letter, you are informed that it appears from the records of the Commission that Tom Fortune is an applicant for the identification of himself and minor children as Mississippi Choctaws; and that Elijah Thomas is an applicant for identification as a Mississippi Choctaw.

The Commission has not up to the present time reached any opinion or decision relative to the right of these applicants to be identified as Mississippi Choctaws, but is now considering

J S W 2

their applications and it is probable that decisions will be rendered in the near future when the applicants will be duly notified of the action of the Commission, and of the forwarding of the records to the Secretary of the Interior.

You are advised that the Commission is now considering Mississippi Choctaw applications, and upon the rendition of decisions such applicants are notified of the action of the Commission and of the forwarding of the records in their cases to the Secretary of the Interior.

Respectfully,

Acting Chairman.

M C R
1860 - 2837
2747 - 2483

Muskogee, Indian Territory, April 20, 1903.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

Your letter of April 9, 1903, addressed to I. S. Niles, has been referred to the Commission for reply. In it you ask to be informed as to the status of the applications for identification as Mississippi Choctaws of "the five children of Elijah Tom Watson, deceased, Tom Fortune and children, Ben Scott and children, Martha J. Wright and Ada Wright.

In reply to your communication you are advised that it appears from our records that all the persons named in your letter, with the exception of Ada Wright, are applicants to this Commission for identification as Mississippi Choctaws.

It further appears from our records that on November 1, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Martha L. Wright for the identification of herself and two minor children as Mississippi Choctaws, and on November 12, 1902, the applicant and her attorney were duly notified of such departmental action.

Relative to the other persons mentioned by you the Com-

A V T 2

mission has not up to the present time reached any opinion or decision relative to their right to be identified as Mississippi Shooters. As soon as decisions are rendered they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

COPY:

M.C.R. 2747

Muskogee, Indian Territory, October 24, 1903.

Tom Fortune, *Per ailed to Anniston, Alabama.*
Muskogee, Indian Territory. *% Miss P.W. Horcher*

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Tom Fortune, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Fortune, et al.	M.C.R. 2747
Pearlie Fortune,	M.C.R. 6367
Mary Wilkins, et al.	M.C.R. 2937

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Fortune, Tommie Miles (nee Fortune), Malinda Fortune, Dibbin Fortune,

Tom Fortune, --2

Sis Fortune, Susan Fortune, Pearlle Fortune, Mary Wilkins and Washoochee Wilkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

S. B. Needles.
Commissioner in Charge.

Registered.

COPY:

M. C. R. 2747.

Muskogee, Indian Territory, October 24, 1903.

A. W. Trotter,
Attorney-at-Law,
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom. Fortune, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Fortune, et al.,	M. C. R. 2747,
Pearlie Fortune,	M. C. R. 6367,
Mary Wilkins, et al.,	M. C. R. 2937.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the iden-

A.V.T.--2.

tity of Tom Fortune, Tammie Miles (nee Fortune), Malinda Fortune, Dibbin Fortune, Sis Fortune, Susan Fortune, Pearl-
ie Fortune, Mary Wilkins and Washoochee Wilkins, as Choctaw
Indians entitled to rights in the Choctaw lands under
the provisions of said article fourteen of the treaty of
eighteen hundred and thirty, and that the applications for
their identification as such should be refused, and it is
so ordered."

You are further advised that the applicants in this
case have been allowed fifteen days from the date hereof within
which to file arguments in this office, and that at the expira-
tion of said time, the papers in the case together with such
arguments will be forwarded to the Secretary of the Interior
through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 2747.

Muskogee, Indian Territory, October 24, 1903.

Mansfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Fortune, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Fortune, et al,	M. C. R. 2747,
Pearlie Fortune,	M. C. R. 6367,
Mary Wilkins, et al.,	M. C. R. 2937.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Fortune, Tommie Miles (nee Fortune), Malinda Fortune, Dibbin Fortune, Sis Fortune, Susan Fortune, Pearl- ie Fortune, Mary Wilkins and Washocoohee Wilkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this

N., M. & C.--2.

case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, November 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tom Fortune, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 24, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Tom Fortune, et al.,	M. C. R. 2747,
Pearlie Fortune,	M. C. R. 6367,
Mary Wilkins, et al.,	M. C. R. 2937.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 2747.

I. B. Needles.

Commissioner in Charge.

M C R 2747
M C R 6367
M C R 6037

Muskogee, Indian Territory, March 1, 1904.

Miss P. W. Hoochec,

#1109 8th Avenue, between 11th & 12th Sts.,

Birmingham, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter dated February 10, 1904, in which you ask the status of the applications made by yourself and your father, Tom Fortune, for identification as Mississippi Choctaws. You further ask to be advised of the present post office address of Scott Ball, your uncle, whom you claim has moved from Mississippi to the Choctaw Nation, Indian Territory, and whether or not the Commission has an agent in Mississippi by the name of J. B. Black.

In reply you are advised that on October 24, 1903, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Fortune, et al., of which case your application is a part, and on the same date you were notified by registered mail at Memphis, Tennessee, in care of the Wahoechee Medicine Co., said letter being addressed to Pearlle Fortune, as that was the name under which you made application, that you would be allowed fifteen days from the date of said decision within which to submit argument

P W H 2

in support of your claim. This letter was returned to this office marked "unclaimed" and is this day remailed you at Birmingham, Alabama.

The fifteen days allowed in this case having expired on November 8, 1903, the record in the consolidated Mississippi Cheetaw case of Tom Fortune, et al., together with the decision of the Commission refusing the several applications included therein, was on November 9, 1903, forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission, you will be duly notified.

The post office of Scott Bell, who formerly resided at Plattsburg, Mississippi, an applicant to this Commission for identification as a Mississippi Cheetaw, is shown by our records to be Kiowa, Indian Territory.

You are further advised that the Commission has not authorized any person by the name of J. B. Black to represent it or to act for it in any manner whatsoever.

Respectfully,

Commissioner in Charge.

(COPY)

Land:
73501-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, MARCH 2, 1904.
(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: by Tom Fortune for himself and his five minor children, Tommie, Malinda, Dibbin, Sis and Susan Fortune, by Pearl Fortune for herself and by Mary Wilkins for herself and her minor child Washoochee Wilkins, wherein a decision adverse to the applicants was rendered by the Commission October 24, 1903.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Sukey Searney, grandmother of the principal applicant, who, it is alleged, was a Choctaw Indian and a resident in Mississippi or Alabama at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty

of 1830 and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Sukey Searney, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provision of said article and treaty, neither does it appear that she applied to either of the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of her rights, if any she had as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

CTC:IM

(COPY)

D. C. No. 7836-1904.

W.C.F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JHE

I.T.D. 1798-1904.

March 7, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 9, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Tom Fortune, for himself and his five minor children, Tommie, Malinda, Dibbin, Sis and Susan Fortune; of Pearl Fortune for herself; and of Mary Wilkins for herself and her minor child, Washoochee Wilkins, including your decision of October 24, 1903, refusing to identify them as such.

It appears that since the application herein, Tommie Fortune married a man by the name of Ransom Miles.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Sukey Searney, who is alleged to have been a full blood Choctaw Indian.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with

the provisions of article 14 of the Chestaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 2, 1904, the Acting Commissioner of Indian affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,
Acting Secretary.

1 inclosure.

M.O.R.2747

COPY

Muskogee, Indian Territory, April 7, 1904.

Tom Fortune,

Hugo, Indian Territory.

Dear Sir:

You are hereby notified that on March 7, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Fortune, et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 2747

Muskogee, Indian Territory, April 7, 1904.

A. W. Trotter,

Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Fortune, et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

L. B. Needles.

Commissioner in Charge.

COPY. H.O.R. 2747

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Fortune, et al., of which decision you were advised by mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

D. Needles

Commissioner in Charge.

M C R 2747

Muskogee, Indian Territory, April 26, 1904.

Miss P. W. Hoochee,

Anniston, Alabama,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 23, relative to your father's claim as a Choctaw Indian, and stating that if any land is due you and your father you desire to receive the same.

In reply to your letter you are advised that on October 24, 1903, the Commission rendered its decision refusing the applications of the persons included in the consolidated case of Tom Fortune, et al. for identification as Mississippi Choctaws, of which your application was made a part, and on March 7, 1904, the secretary of the Interior affirmed the decision of the Commission. This case is, therefore, considered closed.

Respectfully,

Chairman.

M C R 2747

Muskogee, Indian Territory, January 31, 1905.

Mrs. P. W. Hoochee,

Newman, Georgia.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, asking to be advised relative to your father's right to share in the allotment of the lands in the Choctaw-Chickasaw country, Indian Territory.

In reply to your inquiry you are advised that as the Commission's decision refusing the application of your father, Tom Fortune, for identification as a Mississippi Choctaw, was approved by the Secretary of the Interior on March 7, 1904, it is not believed that he is in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

MOR 2747

Muskogee, Indian Territory, January 30, 1906.

Miss P. W. Hocchec,
Union Springs, Alabama.

Dear Madam:

Replying to your letter of January 23, 1906, you are advised that it is not believed that your father, Tom Fortune, is in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws. He appears from our records to be a rejected Mississippi Choctaw whose case has been closed since March 7, 1904.

Respectfully,

Acting Commissioner.

REFER TO M. C. R. 2747

Tom Fortune

Consolidated Case

Card No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE

* Sucky Searney

wife

first dead

Tom Fortune 51 3/4

wife

Kena Fortune

n. g. r.

* Grandmother of Tom
Fortune - Mar 27 47

Mar 6 26 7

Pearlie Fortune 22 1/2

~~Nah La Choo~~

Mar 29 31

Mary Fortune 19 3/8

mor

John Wilkins, negro

Nashoochee Wilkins
(or Nahoochee)

Mar 27 47

Jimmie Fortune 16*

Melinda Fortune 10

Debbie Fortune 12

Sis Fortune 8

Susan Fortune 6

* Now the wife of Ransom Miles

799

No

For Identification as a Mississippi Choctaw.

Date

JUN

51

Name

Tom Fortune

Age

51

Blood

3/4

Post Office,

Sumner, Miss

Father:

don't know, 1/2 Ind 1/2 white

Mother:

" " f. b. d

Claims through

both parents

wife

Lena negro.

No claim for wife
 her miss. Chol. cards.
 paid Nos. 40, 58, and
 No 134

Children:

Tommy (girl)	16
Malinda	14
Libbin	12
Lis	8
Susan	6

Claims for self &
 Chedron

Stenographer

H. C. Ristum

Choctaw MCR 2748

Emma McElroy

MCR 2748

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rann McKiray, et
al., for identification as Mississippi Choctaws, M. S. R. 2748.

List of papers forwarded to Secretary of the Interior
comprising the record in the above entitled case.

Original application of Rann McKiray
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1
Decision of the Commission refusing the
application of Rann McKiray, et al., for
identification as Mississippi Choctaws..... 4

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Emma McElroy for the identification of herself and four minor children as Mississippi Cheetaws.

Emma McElroy, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Emma McElroy.
Q What is your age? A About twenty two.
Q What is your post office address? A Benita, Lauderdale County, Mississippi.
Q Where were you born? A I couldn't tell, mother didn't stay at one place more than a year.
Q Where were you born---in Mississippi? A No sir.
Q Well, where were you born? A Away down in Alabama.
Q Do you know what place in Alabama? A No sir, I couldn't tell that.
Q And how old were you when you came to Mississippi? A I was about twenty one.
Q Been here about a year? A Been here longer than that.
Q Well, how long? A About three or four years.
Q Did you ever live in any other states except Alabama and Mississippi? A No sir.
Q What is your father's name? A Hardy German.
Q Is he living or dead? A My father is dead.
Q Is your mother dead? A No sir, my mother was living last time I heard of her--have not seen her in a year.
Q What is her name? A Anna German.
Q Through which one of these parents do you claim Cheetaw blood? A My mother, I just went by what my mother said.
Q Did she say she had Cheetaw blood? A She said she was red Indian.
Q Was your father anything but a negro? A He was part Indian.
Q How much? A About one half.
Q How do you know? A I was going by what my ma said.
Q What did she say about your father having Indian blood? A She said he was mixed blood, about one half.
Q How much Indian blood did your mother have? A She was about three quarters Indian.
Q How much Indian blood do you think you have---can you tell? A No, sir.
Q You look as if you were a full blood negro--do you think you have any negro blood? A I only know what my ma said.
Q Can you tell me how much Cheetaw blood you have?--Can you give me any idea? A My pa was one half and my grandma was whole Indian.
Q How much do you claim? A I don't know how much.
Q Have your parents through whom you claim your right to identification as a Mississippi Cheetaw ever been recognized in any manner or enrolled as members of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A His name Billy McElroy.
Q Is he a negro? A Yes sir.
Q Was your father a slave before the war? A I don't know sir.

Anna McKelroy---2.

Q Was your mother a slave before the war? A I don't know sir, I never heard her say.

Q Didn't you ever hear anybody say whether or not your father was a slave? A No sir.

Q Didn't you ever hear any person say whether or not he was owned by anybody? A No sir.

Q Didn't you ever hear anybody say whether your mother was owned by anybody before the war? A No sir.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A All my children are little.

Q Do you make application for your husband? A No sir.

Q What is the oldest one's name? A Her name Lula.

Q How old is Lula? A She is about eight years old.

Q What is the next child? A Billy.

Q How old is Billy? A He is five years old.

Q What is the name of the next? A Eddie.

Q Is Eddie a boy? A Yes sir.

Q How old is Eddie? A He is about two years old.

Q Have you any others? A Yes sir.

Q What is the name of the next? A Clyde.

Q How old is Clyde? A He is about a year old.

Q Is Billy McKelroy the father of these children? A Yes sir.

Q Are you the mother? A Yes sir.

Q Were you and he married by license? A Yes sir.

Q How long ago were you married? A Been married about nine or ten years, longer than that I guess--married when I was young.

Q How old were you when you were married? A I don't know sir exactly how old I was.

Q Little girl? A Yes sir.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself or your children as Choctaws? A No sir.

Q Did you or any one for you or for your children in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation together with your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim this right for yourself and children as beneficiaries under article fourteen of the treaty of 1830? A Yes.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi And Alabama and who were recognized members of the Choctaw tribe of Indian in 1830 at the time of the ratification of the treaty of Dancing Rabbit Creek between the United States and the Choctaw tribe of Indians? A No sir.

7

Ma Ma McElroy***.

- Q Have you any evidence to show that your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir.
- Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1836? A I don't know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi they the proposed to stay in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Can you speak or understand the Choctaw language? A No sir.
- Q Are there any additional statements you want to make in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No sir.
- Q Would you like time in which to introduce such evidence? A Yes.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

The applicant has the appearance and every indication of being descended from African parents. She has no knowledge of the Choctaw language and hardly a sufficient comprehension of English to understand the purport of the questions that were asked her. She has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your four minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 23, 1890, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of July, 1901.

H. C. Risteen
[Signature]
Notary Public.

*Wm
C. W.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of *Wm. McKelvey*, et
al., for identification as Mississippi Choctaws, N. O. R. 2748.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by *Wm. McKelvey* for herself and her four minor children, *Lula*,
Willie, *Edie* and *Glyde McKelvey*, under the following provision of
the act of Congress approved June 26, 1906 (34 Stat., 425):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred, and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September

-2-

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Hardy German, who is alleged to have been a half blood Choctaw Indian, and Anna German, who is alleged to have been a three-quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that either the said Hardy German or Anna German, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

1
7
Helen McElroy, Julia McElroy, Billy McElroy, Maggie McElroy and Clyde McElroy as Cheyenne Indians entitled to rights in the Cheyenne lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tama Birby.

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Brookings

Commissioner.

Washington, Indian Territory.

OCT 18 1902

COPY.

M.C.R. 2743

Muskogee, Indian Territory, October 18, 1902.

Emma McElroy,

Bonita, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emma McElroy, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma McElroy, Lula McElroy, Billy McElroy, Edie McElroy and Clyde McElroy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Emma McElroy-2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of

Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 18, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emma McElroy, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma McElroy, Lula McElroy, Billy McElroy, Eddie McElroy and Clyde McElroy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

N. M. & C-2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Emma McKelroy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 18th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James B. Dickey.
Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc.: M.C.R.2748.

(COPY)

D.C. 4809

DEPARTMENT OF THE INTERIOR.

EAF.

ITD. 1184-1903.

Washington.

L R S

February 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Emma McElroy and her minor children, Lula, Billy, Eddie and Clyde McElroy, including your decision of October 18, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Hardy German, alleged to have been a half blood Choctaw Indian, and of one Anna German, who is said to have been a three-quarter blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Hardy German or Anna German complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting January 30, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record and hereby affirms your decision.

Respectfully,

(Signed) Thom. Ryan,

1 inclosure.

Acting Secretary.

(COPY)

Land
67784-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

January 30, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Emma McElroy for herself and her four children, Lula, Billy, Eddie and Clyde McElroy, wherein a decision adverse to their claims was rendered by the Commission on October 18, 1902.

It is shown by the testimony in this case that the principal applicant was unable to give the names of her ancestors who lived in the Choctaw Nation, Mississippi, in 1830, but gives the names of her parents as Hardy German and Anna German, through whom she claims identification as a Mississippi Choctaw.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that either Hardy German or Annay German, or any of the applicants ever complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830.

An examination of the records of this office discloses the fact that the names of Hardy German and Anna German are not among the names of those Chockaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of their descendants, and the office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

E.B.H. H'r.

M.C.R. 2748

COPY.

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Emma McElroy, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

Jame Lixby.

Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2748

Muskogee, Indian Territory, February 28, 1908.

Emma McElroy,

Benita, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of February, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheestaws of the several persons included in the case of Emma McElroy, et al., of which decision you were advised by registered mail on the 18th day of October, 1908.

Respectfully,


Chairman.

1000

No

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Emma McElroy

Age 22

Blood don't know

Post Office, Borita, Miss.

Father: Hardy German (d.)

Mother: Anna German, l.

Claims through both parents -

Mrs. B. McElroy - Negro.

Children: Lula - 8

Billy 5

Eddie (boy) 2

Clyde - 1

Claims for self and children -

Stenographer

H. C. Risten

R. 2748
Emma McElroy et al
REFUSED

DECISION RENDERED: OCT 18 1902

NOTICE TO APPLICANT.

OCT 18 1902

NOTICE TO APPLICANT.
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED (DEPARTMENT)

NOV 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 17 1903

RECORD FORWARDED (DEPARTMENT)
FORWARD TO APPLICANT.

FEB 1903

DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS.

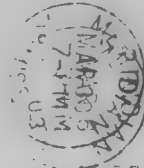
2748

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 20 1903

CHAIRMAN

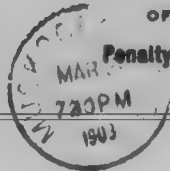


Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE INDIAN TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Emma McElroy,

~~Bonita, Mississippi.~~

Stonewall

7:30

UNCLAIMED

Choctaw MCR 2749

Thurina Wilson

MCR 2749

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 26th, 1901.

In the matter of the application of Thurina Wilson for the identification of herself and four minor children as Mississippi Choctaws.

Said Thurina Wilson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Thurina Wilson.
Q What is your age? A Twenty-eight.
Q What is your postoffice address? A Meridian, Mississippi.
Q What street and number? A Thirty-third Ave., between 11th and 12th.
Q How long have you lived in the State of Mississippi? A All my life.
Q Is your father living? A No sir, dead.
Q What was his name? A Ed Love.
Q Is your mother living? A Yes sir.
Q What is her name? A Elva Love.
Q Through which one of your parents do you derive your Choctaw blood? A Both.
Q What proportion of Choctaw blood do you claim your father had? A By his father's side he had one-half.
Q How much Choctaw blood do you claim your mother had? A One-fourth.
Q What proportion of Choctaw blood do you claim to have? A Three-eighths.
Q Did your father always live in the State of Mississippi? A Yes sir.
Q Has your mother always lived in the State of Mississippi? A Yes sir.
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the authorities of the United States? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Levi Wilson.
Q Has he any Choctaw blood? A None as I know of.
Q What is he? A Negro.
Q You make no claim for him, do you? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Four.
Q What are their names and ages? A Annie.
Q How old is she? A Ten.
Q Next one? A Nennie.
Q How old is she? A Eight.
Q Next one? A Pearlle.
Q Girl? A Yes sir.
Q How old? A Six.
Q Next one? A Curtis.
Q How old? A Three.
Q Boy, I suppose? A Yes sir.
Q That all your children? A Yes sir.
Q These children all live with you at this time? A Yes sir.
Q You the mother of all of them? A Yes sir.
Q What is the name of their father? A Levi Wilson.

- Q Is he the father of them all? A Yes sir.
- Q Is your name or the name of anyone of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be enrolled as members of that Tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever, prior to this time, made application to the Choctaw Tribal authorities or to the United States authorities for yourself or any of your children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q This is the first application of any description that has ever been made for you or any of your children, is it? A Yes sir.
- Q You now desire to make application for the identification of yourself and four minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Have you ever received any benefits as Choctaw Indians? A No sir.
- Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A No sir.
- Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q You have no evidence that any of your ancestors were in the year 1830 when this treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw Tribe of Indians, have you? A No sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to stay in Mississippi and become citizens of the States? A Not as I know of.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Mr. A. W. Trotter, attorney for applicant, asks for thirty days time in which to file documentary evidence in support of this application.

Thurina Wilson et al--3

Permission is granted Mr. A. W. Trotter, attorney for applicant, to file documentary evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

Q Do you speak or understand the Choctaw language? A No sir, I have tried it but I don't now.

This applicant has every appearance of being possessed of fully as much Indian blood as is claimed by her. She does not speak or understand the Choctaw language.

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 26th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 11th day of July, 1901, at Meridian, Mississippi.

Ira S. Niles
[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, September 6, 1901.

In the matter of the application of Thurina Wilson et al.,
for identification as Mississippi Choctaws.

Nathaniel Collins, having been first duly sworn, as a
witness behalf of the above applicants, testified as follows:

Examination by the Commission.

- Q What is your name? A Nathaniel Collins.
Q What is your age? A Sixty one.
Q What is your post office address? A Meridian.
Q What is your business? A Merchant.
Q How long have you lived in Meridian? A Thirteen years.
Q Are you acquainted with Thurina Wilson and her family? A Yes sir.
Q How long have you known her? A All her life.
Q Where did you know her? A Collinsville, Mississippi.
Q Will you state, in your own way, what you know about her having
been descended from a Mississippi Choctaw ancestor, and as to the
quantity of Choctaw blood which she has; any facts you know in
reference to her case? A I don't know nothing of my own knowledge
about her Indian blood. It is all from hearsay and comes by them.
Q Did she ever make any claim to you? A No sir.
Q Any member of her family ever make any statements as to her Indian
blood? A Her mother, Tilda Rogers - her grand mother - I knew her
when I was quite a small boy up to the time she died.
Q What was her name? A Tilda Rogers.
Q That was her grand mother? A Yes sir.
Q How did she appear with reference to whether or not she looked
like a Choctaw Indian? A She had all the marks of a half breed to
me.
Q Was it a mixture of white and Indian? A Indian and negro.
Q How was her hair, do you remember? A Nearly straight.
Q Black? A Yes sir, coal black.
Q Did she have the features of a negro or Indian? A More features
of an Indian than she did a negro.
Q Do you know whether she spoke the Choctaw language? A No sir.
Q Did she ever state to you how much Choctaw blood she had, or whether
ever stated she had any? A Yes sir, I have heard her claim she
had Indian blood.
Q That's the grand mother of this applicant? A Yes sir.
Q Do you know whether any of the ancestors of Thurina Wilson ever
had any land, or ever claimed any land in Mississippi from the
Government as Choctaw Indians? A No sir.
Q Never heard that they ever did have any land? A No sir.
Q Did they ever receive any money from the Government as Choctaws?
A None that I ever heard of.

By Mr. A.V. Bretter:

- Q Was that on her mother's side? A Yes sir.
Q Did she have any Indian blood on her father's side? A Her father
was named Ed Woods, and some times called him Ed Love; he claimed his
name was Ed Wood. He had the appearance of an Indian. His hair was

Thurina Wilson, et al., 2.

nearly straight. I have known him ever since I was a boy.

Q Do you know what part blood he had? A He had the appearance of being a half breed; like old Tilda Rogers; he claimed to be a part Indian, but I never heard him say what amount he had.

Q You only know he had the appearance of being a half blood? A Yes sir.

By the Commission:

Q What was the general belief in the community where ~~Zikis~~ Thurina Wilson lived as to her Chectaw blood; what was she reputed to be?

A I have heard very little said about her recently.

By Trotter:

Q Could you say from Thurina's appearance what blood she had; what you know about her ancestors - her father and mother? A You have seen her; she has been before the Commission.

Q What is her appearance; what blood did she have? A I would take her to be a half; her hair was nearly straight, and high cheek bones.

Q Then what you know from her ancestors and herself? A Yes sir.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 6th day of September, 1901 and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 11th day of September, 1901.

[Signature]

Notary Public.

M.C.R. 2749.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Thurina Wilson,

33rd Ave. between 11th and 12th Sts.,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Abe Rodgers, et al., embracing the following applications for identification as Mississippi Choctaws:

Abe Rodgers, et al.,	M.C.R. 2479
Anderson Rodgers, et al.,	M.C.R. 2475
Joe Rodgers, et al.,	M.C.R. 2503
William Rodgers, et al.,	M.C.R. 2476
Thurina Wilson, et al.,	M.C.R. 2749
Viola Walker, et al.,	M.C.R. 2509
William Blalock, et al.,	M.C.R. 2473.

These applications were made under the provision of the Act of Congress of June 26, 1898, (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abe Rodgers, Mahala Rodgers, John Allen Rodgers, Hannie Rodgers, Lee Bell Rodgers, Anderson Rodgers, Hattie Rodgers, John Aaron Rodgers,

T. W.,

-2-

Lebertha Rodgers, Joe Rodgers, Ella Rodgers, Rufus Rodgers, Ida Rodgers, Joseph Rodgers, Claude Rodgers, Lilly Rodgers, Frank Rodgers, Venie Rodgers, William Rodgers, Dessie Rodgers, Annie Rodgers, Thurina Wilson, Annie Wilson, Hazzie Wilson, Pearl Wilson, Curtis Wilson, Viola Walker, Pearl Walker, William Blalock, Martha Ann Blalock, Limmie Blalock, Nattie Blalock, Sylvester Blalock, Bessie Blalock and Osie Willie Blalock, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M. C. R. 2749.

COPY.

Muskogee, Indian Territory, July 16, 1903.

Thurina Wilson,

33rd Avenue between 11th and 12th Streets,

Meridian, Mississippi.

Dear Madam:-

You are hereby notified that on the 26th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chectaws of the several persons included in the consolidated case of Abe Rodgers et al., of which decision you were ~~advised by~~ registered mail on the 18th day of April, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

R. 2749
Thurina Wilson, et al.

DECISION RENDERED. APR 18 1903

FILE

2479

#1001

No. 2749

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name *Thurina Wilson*

Age 28 Blood 3/8

Post Office, *Meridian Miss.*
33rd ave bottom 11th & 12th.

Father: *Ed Love* (1/2) d

Mother: *Elva* " 1/4 d

Claims through both parents.
husband
Levi Wilson (negro)
no claim for husband

Children:

Annie Wilson 11

Nezzie (girl) 8

Charlie " 6

Curtis (boy) 3

(Claims for self and 4
children)

Stenographer

L. H. H. H.

Choctaw MCR 2750

Violet Strait

See MCR 3428, 3427, 3425
3426

MCR 2750

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.

In the matter of the application of Violet Strait, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Violet Strait, et al.,	M.C.R. 2750
Katie Benjamin, et al.,	M.C.R. 3428
Carrie Reynolds, et al.,	M.C.R. 3427
Robert Williams, et al.,	M.C.R. 3428
Sam Cathey, et al.,	M.C.R. 3426

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Violet Strait, et al.

	Page.
Original application of Violet Strait, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Affidavit of Mrs. B. H. Rose	6
Affidavit of Dan Finley	7
Original application of Katie Benjamin, et al., to the Dawes Commission for identification as Mississippi Choctaws	8
Testimony of Violet Strait in behalf of applicants, Katie Benjamin, et al.	12
Original application of Carrie Reynolds, et al., to the Dawes Commission for identification as Mississippi Choctaws	14
Testimony of Violet Strait in behalf of applicants, Carrie Reynolds, et al.	18
Original application of Robert Williams, et al., to the Dawes Commission for identification as Mississippi Choctaws	20
Testimony of Samuel Coleman in behalf of applicants, Robert Williams, et al.	23

Original application of Sam Cather, et al., to the Bureau Commission for identification as Mississippi Chastans	26
Testimony of Robert Williams in behalf of applicants, Sam Cather, et al.,	29
Joint affidavit of Mrs. B. M. Ross and D. Finley ...	32
Certified copy of marriage license and certificate of marriage between Sam Cather and Mattie Slaughter .	33
Decision of the Commission refusing the consolidated applic- ation of Violet Stratt, et al., for identification as Mississippi Chastans	34

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Violet Strait for the identification of herself, her husband and five minor children as Mississippi Choctaws.

Violet Strait, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Violet Strait.

Q What is your age? A I am about thirty nine years old; will be Christmas.

Q What is your post office address? A My post office is right here at Meridian.

Q Where were you born? A I was born in the edge of Alabama; I was born on John Bell's place; it was always called just across the line in Alabama.

Q How long did you live in Alabama? A I was just born a little before they freed them.

Q When did you come to Mississippi? A I don't know sir; I was a child you know. I think they said I was born during the war - when the war was going on.

Q Don't you remember when you came to Mississippi? A No sir.

Q Have you lived in Mississippi ever since you can remember? A Yes sir.

Q Most all your life? A Yes sir.

Q What is your father's name? A Ned Bell.

Q Is he living? A Yes sir.

Q Is your mother living? A No sir. My mother's dead.

Q What was your mother's name? A Mandy Harris.

Q Through which one of these parents do you claim Choctaw blood? A My grand pa.

Q Which one of these parents? A From my mother's side; my mother's pa.

Q Through your mother? A Yes sir.

Q Your don't claim through your father? A No sir, my mother's daddy was a full blood Indian man ever all his life.

Q How much Choctaw blood do you claim? A I don't know sir, how much it is. I know my grand pa was a full blood Indian man; he lived in this town; he died right here; he was a free man all his life, and my ma was a half Indian.

Q How much do you claim? A I don't know sir.

Q You couldn't say how much, could you? A About 1/8 I reckon.

Q You say your father was what? A My father was a colored man, but my grand daddy was a full blood Indian man; grand mother was half Indian.

Q Your father, Ned Bell, was a colored man? A Yes sir; he was a slave.

Q Was your mother, Mandy Harris, a slave before the war? A I don't know sir; her grand mother raised her.

Violet Strait, et al., #2.

Q You don't know about that? A No sir. I was born with her, but my mistress took me away.

Q You were a slave? A I was a baby.

Q But you was taken with your father's master? A Yes sir; after the surrender, my father's mistress taken me with her from my mother; sent her to Meridian and got me.

Q What was your mother's blood? A My mother was a half Indian; her papa was Indian and her mother was half Indian.

Q What was her other blood besides Indian blood? A I don't know sir.

Q Negro? A I don't know sir; I think they all said she was Scotch or something like that.

Q Part white, you think? A Scotch; I don't know sir, much about my mother; I was taken away from her in infancy.

Q How do you know what Indian blood she had? A Just white people; I don't know. I know my grand pa and grand ma raised me.

Q What was your grand pa's name? A Adam Cassy.

Q Was he an Indian? A Full blood Indian man.

Q What was his wife's name? Violet.

Q And she was Indian? A Half Indian.

Q You lived with them? A Yes sir.

Q How long did you live with them? A Until I was ten or twelve years old.

Q Did they speak Choctaw, both of them? A Grand pa did.

Q You lived with them until you were ten or twelve? A Yes sir.

Q Did you learn to speak Choctaw? A Yes sir.

Q Can you talk it now? A I don't know sir; I never talked it much until I married.

Q Was your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A Yes sir, mother was.

Q She didn't go to the Indian Territory and get enrolled? A My mother?

Q Did she go to the Indian Territory? A Not as I know of.

Q You don't know that she was enrolled, do you? A I don't know whether she went out there.

Q Have you any children you want to make application for? A Yes sir I have got seven children living.

Q Are you married? A Yes sir.

Q What is your husband's name? A Frank Strait.

Q Do you claim for him? A Yes sir.

Q How old is he? A He is four years older than me; he is about forty three years old, I reckon.

Q What is his father's name? A Tony Strait.

Q Is he living? A No sir, both dead.

Q What is the mother's name? A Cynthia Strait.

Q How much Choctaw blood has your husband? A I don't know sir; his mother was an Indian woman; I know her mother; I know she was Indian.

Q How do you know she was Indian? A She couldn't talk at all, hardly

Q How do you know she is half Indian? A She always tells me that she was Indian.

Q Did she tell you how much Indian? A No sir; she said she was Choctaw Indian.

Violet Strait, et al., 3

Q What made you say she was half Choctaw Indian? A I just guessed so.

Q How much did Tony have? A I don't know.

Q You are just guessing at Cynthia's Choctaw blood? A Yes sir.

Q And you can't swear how much Choctaw blood she had? A I can swear that she often told me that her daddy was an Indian man.

Q How much do you claim for your husband? A I don't know sir; I know his mother was an Indian woman but I don't know anything about his father.

Q Now, when you say his mother was an Indian woman, do you mean she was a full blood, a half blood or what? A Just like these other Indians; and she always told me that her parents were Indians.

Q Both father and mother? A Her father was a full blood, but her mother was a half blood Indian.

Q How that would make her more than half; why don't you tell what you know? A I am telling just what she told me.

Q Do you know how much Choctaw blood he had? A No sir; because I don't know much it takes to make it.

Q Was your husband's mother, through whom you claim for him the right to identification as a Mississippi Choctaw, ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians?

A My father's mother.

Q I didn't say your father's mother; I said your husband's mother?

Q My husband's mother?

Q Was she enrolled as a Choctaw Indian? A She was a Choctaw Indian.

Q You are sure of that? A She went --

Q Answer my question; are you sure that your husband's mother went to the Indian Territory and was enrolled there as a member of the Choctaw tribe of Indians by the Choctaw authorities? A Yes sir

Q You know that? A Yes sir.

Q And her name is on record as a Choctaw Indian in the Indian Territory? A I suppose so.

Q I asked you if you knew? A I didn't go there.

Q Answer my question? Do you know? A Know the old lady.

Q Do you know that her name is on the tribal rolls out there? A I can't know a thing unless I see it you know.

Q What is the name of your eldest child, under twenty one years of age and unmarried that you want to make application for? A Josh Strait.

Q How old is Josh? A He is about sixteen years old.

Q What is the name of the next? A Curtis.

Q How old is Curtis? A Twelve or fourteen.

Q What is the name of the next? A The next one is named Sammy.

Q How old is Sammy? A Ten years old.

Q What is the name of the next? A Nora.

Q How old is Nora? A Eight years old.

Q What is the name of the next? A Dora.

Q How old? A Five years old.

Q What is the name of the next? A That's all I got under age.

Q Is Frank Strait the father of these children? A Yes sir.

Q Are you the mother? A I am the mother.

Q Are you living together as husband and wife? A Yes sir.

Q Married under a license? A Married lawfully.

Q Was your husband a slave before the war? A He was a child.

Q Was he a slave before the war? A I don't know sir.

Violet Strait, et al., 44.

Q You gave his age as forty five; he would be born before the surrender; do you know whether he was a slave or not? A No sir, I don't know whether he was a slave.

Q Were his parents? A His father was, but his mother wasn't.

Q Now, wouldn't that have made him a slave? A It looked like it ought to.

Q Is your name, or the name of your husband or your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?

A No sir, none of our names are there.

Q Have you ever made application before this, to the Choctaw tribal authorities in Indian Territory either for yourself, your husband or your children to be enrolled as members of the Choctaw tribe? A No sir.

Q Did you, or any one for you, or your husband or your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you, your husband or children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A I haven't; I don't know whether he has or not.

Q Have you ever made application before this time for yourself, husband or children to either the Choctaw authorities or the authorities of the United States to be admitted or enrolled as citizens of that Nation? A No sir.

Q Is this the first application you have ever made of for yourself, husband or children? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes sir.

Q Do you claim this right as for yourself, husband and children as beneficiaries under Article Fourteen of the Treaty of 1830? A Yes sir.

Q Have you, or your husband ever received any benefits as Choctaw Indians? A No sir.

Q Have any of your ancestors or his ancestors? A None only my grand pa and grand ma.

Q What did they ever get? A The Indians fed my grand ma; all I know of grand ma, the Indians buried her.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw tribe of Indians? A Nobody but Adam Cassy and Violet Cassy.

Q Were they full blood Indians? A Yes sir.

Q They were both full blood Indians, were they? A My grand pa was full blood, but my grand ma was half.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of your ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A Grand pa did.

Q Do you know about that? A Yes sir.

Q Have you proof of that? A Yes sir, for these white people here in this town --

Violet Strait, et al., #5.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under Article Fourteen of the Treaty of 1830? A Not as I know of.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors, or your husband's ancestors were, in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder? A I haven't got none, but I can get some.

Thirty days time from the date hereof is allowed this applicant in which to file proper documentary evidence in support of this application.

(This applicant has the appearance of one descended from a negro parentage. If she has any Indian blood, it is not apparent in her manners or physical appearance; she does not speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself, your husband and five minor children as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

[Signature]
Notary Public.

GA. L.
C.W.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Violet Strait, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Violet Strait, et al.,	H.C.R. 2720
Katie Benjamin, et al.,	H.C.R. 3423
Carrie Reynolds, et al.,	H.C.R. 3427
Robert Williams, et al.,	H.C.R. 3428
Sam Gathay, et al.,	H.C.R. 3426

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Violet Strait for herself, her husband, Frank Strait, and her five minor children, Josh, Curtis, Sammy, Nora and Dora Strait; by Katie Benjamin for herself and her two minor children, Calvin and Wilmer Benjamin; by Carrie Reynolds for herself and her minor child, Nancy Williams; by Robert Williams for himself and his minor child, Emma Williams; and by Sam Gathay for himself and his minor child, Clifton Gathay, under the following provision of the act of Congress approved June 23, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant, Violet Strait (M.C.R. 2750) claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Adam Cassy (or Cassady, or Casady, or Cassidy, or Cathey) and Violet Cassy (or Cassady, or Casady, or Cassidy, or Cathey) the former of whom is alleged to have been a full blood Choctaw and the latter a half blood Choctaw; that the applicant Frank Strait (M.C.R. 2750) claims said rights by reason of being a descendant of Cynthia Strait, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated; that the minor children applied for in M.C.R. 2250 and all the applicants embraced in M.C.R. 3428 and 3427 claim said rights by reason of being descendants of all the aforesaid ancestors; that the applicants embraced in M.C.R. 3425 claim said rights by reason of being descendants of John Hooks (or Indian John) and Kittie Williams, both of whom are alleged to have been half blood Choctaw Indians, and that the applicants embraced in M.C.R. 3426 claim by reason of being descendants of all the above ancestors, except Cynthia Strait.

As will be seen from the preceding paragraph, the applicants herein do not all claim from the same line of ancestry, but as the principal applicant in M.C.R. 3426 states that he is a half-brother of the principal applicant in M.C.R. 2750, and that his

-2-

father is the principal applicant in M.C.R. 3425, it has been deemed necessary to consolidate these cases, in order that both the paternal and maternal ancestry of the applicants in M.C.R. 3425 may be clearly traced.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Adam Casey (or Cassady, or Casady, or Cassidy, or Cathey) or Violet Casey (or Cassady, or Casady or Cassidy, or Cathey,) or Cynthia Strait, or John Hooks (or Indian John) or Kattie Williams, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Violet Strait, Frank Strait, Josh Strait, Curtis Strait, Nancy Strait, Nora Strait, Dora Strait, Katie Benjamin, Calvin Benjamin, Wilmer Benjamin, Carrie Reynolds, Nancy Williams, Robert Williams, Benia Williams, Sam Cathay and Clifton Cathay as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tame Bixby.
Acting Chairman

(SIGNED)

T. B. Needles.
Commissioner

(SIGNED)

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

APR 9 1885

COPY.

M.C.R.2750.

Muskogee, Indian Territory, April 9, 1903.

Violet Strait,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Violet Strait, et al., embracing the following applications for identification as Mississippi Choctaws:

Violet Strait, et al., M.C.R.2750;
Katie Benjamin, et al. M.C.R.3488;
Carrie Reynolds, et al. M.C.R.3487;
Robert Williams, et al. M.C.R.3425;
Sam Cathey, et al., M.C.R.3426.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Violet Strait, Frank Strait, Josh Strait, Curtis Strait, Samy Strait, Nora Strait, Dora Strait, Katie Benjamin, Calvin Benjamin, Wilmer Benjamin, Carrie Reynolds, Nancy Williams, Robert

V. 34. 2.

Williams, Annis Williams, Sam Gathay and Clifton Gathay as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Dixey.
Chairman

Registered.

COPY.

M.C.R.2750.

Muskogee, Indian Territory, April 9, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Violet Strait, et al., embracing the following applications for identification as Mississippi Choctaws:

Violet Strait, et al., M.C.R.2750;
Katie Benjamin, et al., M.C.R.3428;
Carrie Reynolds, et al., M.C.R.3427;
Robert Williams, et al., M.C.R.3425;
Sam Gathay, et al., M.C.R.3426.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Violet Strait, Frank Strait, Josh Strait, Curtis Strait, Sammy Strait, Nora Strait, Dora Strait, Katie Benjamin, Calvin Benjamin, Wilmer Benjamin, Carrie Reynolds, Nancy Williams, Robert Williams, Ennis Williams, Sam Gathay and Clifton Gathay as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N. H. H. & Co., N. H.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Birby.
Chairman.

COPY

Muskogee, Indian Territory, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Violet Strait, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Violet Strait, et al., M.C.R. 2750;
Lattie Benjamin, et al., M.C.R. 3428;
Carrie Reynolds, et al., M.C.R. 3427;
Robert Williams, et al., M.C.R. 3428;
Sam Gathay, et al., M.C.R. 3426.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamm Bixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc.: M.C.R. 2750.

C O P Y .

D.E.No.6669-1904.
I.T.D.1150-1904.

W.C.F.
F.H.E.

DEPARTMENT OF THE INTERIOR.

L.R.S.

Washington, February 26, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 25, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Violet Strait, Frank Strait, Josh Strait, Curtis Strait, Sammy Strait, Nora Strait, Dora Strait, Katie Benjamin, Calvin Benjamin, Wilmer Benjamin, Carrie Reynolds, Nancy Williams, Robert Williams, Ennis Williams, Sam Cathey and Clifton Cathey, including your decision of April 9, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Manda Harris, Adam and Violet Cassy (or Cassady, or Casady, or Cassidy, or Cathey), Cynthia Strait, John Hooks (or Indian John), and Kittle Williams, it being alleged that said ancestors were possessed of Choctaw Indian blood.

The evidence as furnished by the records is insufficient to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show

that several Choctaw Indians by the name of John complied with the provisions of said article, but that there was no one by the name of Indian John, or John Weeks, who so complied. He therefore considers that the name Indian John should be given no credence in determining this case, and recommends that your decision be approved.

An examination of a "List of names of Choctaws to whom Scrip was issued under the Fourteenth Article of the Treaty of Dancing Rabbit Creek", prepared by the Indian Office and now in possession of the Department, fails to show that any of the ancestors named by the applicants complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830. The Department therefore concurs in the recommendations of the Acting Commissioner, and your decision rejecting the applicants is affirmed. A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 enclosure.

Refer in reply to the following:
Land 27648-1903.

C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February , 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Violet Strait for the enrollment of herself and her husband Frank Strait, and her five minor children, Josh, Curtis, Sammy, Nora and Dora Strait; of Katie Benjamin for the enrollment of herself and her two minor children Calvin and Wilmer Benjamin; of Carrie Reynolds for the enrollment of herself and her minor child, Nancy Williams; of Robert Williams for the enrollment of himself and his minor child Ennis Williams, and of Sam Cathay for the enrollment of himself and his minor child Clifton Cathay, all as Mississippi Choctaws.

On April 9, 1903, the Commission rendered a decision in this case, finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the

Chectaw Nation, under the provisions of Article 14 of the treaty of 1830; and that their applications for such identification should be refused.

The Commission state in such decision that the principal applicant Violet Strait (M.C.R.2750) claims rights in the Choctaw lands under Article 14 of the Treaty of 1830 by reason of being a descendant of Adam Cassy (which surname, Cassy, is given in a number of different ways), who is alleged to have been a full-blood Choctaw, and also by reason of being a descendant of Violet Cassy, who is alleged to have been a half-blood Choctaw; that the applicant Frank Strait (M.C.R.2750) claims the same right by reason of being descended from Cynthia Strait, degree of Choctaw blood not stated; ^{and} that the minor children applied for in M.C.R.2250, of the applicants embraced in M.C.R. 3428 and 3427, claim their right by reason of being descendants of all the said ancestors; and that the applicants embraced in M.C.R.3425 claim their rights by reason of being descendants of John Hooks (or Indian John) and Kittie Williams, both of whom are alleged to have been half-blood Choctaw Indians; and that the applicants embraced in M.C.R.3426 claim by reason of being descendants of all the above named ancestors except Cynthia Strait.

The Commission then calls attention to the fact that the foregoing shows that all of the applicants herein do not claim from the same line of ancestors but that it has been deemed

necessary to consolidate all of these cases in order that both the paternal and maternal ancestor of the applicants may be clearly traced.

I have examined the testimony submitted by these applicants and the principal applicant Robert Williams testifies that he is 63 years old and claims his right to identification as a Mississippi Choctaw with rights in the lands of the Choctaw Nation derived from his father John Hooks, and his mother Kittie Williams. But although this witness is 63 years old, he apparently knows absolutely nothing about any of his ancestors ever having received any land from the government by reason of the provisions of the said Article 14 of the Treaty of 1830, or that any of his ancestors ever complied or attempted to comply with said provision.

There is absolutely no testimony set out in the record which shows that these applicants are entitled to be enrolled as Mississippi Choctaws, and there is no record evidence in this case of any ^{one} of their alleged ancestors by the several names set out in the record, ever having complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830.

There are several Choctaw Indians by the name of John who did comply with said provisions but there is no Indian John, and inasmuch as Robert Williams testifies that his father's name was John Hooks, and witnesses called in his behalf testify that he was known as Indian John, I do not consider that the name,

-4-

Indian John, should be given any credence whatever in determining this case. By reason of the above, I fully concur with the opinion of the Commission that the applications of these persons should be denied, and recommend such action by the Department.

Very respectfully,

Commissioner.

W.C.B.(B).

COMMISSIONERS:
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2750

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. O. B.
Muskegee, Indian Territory, March 9, 1904.

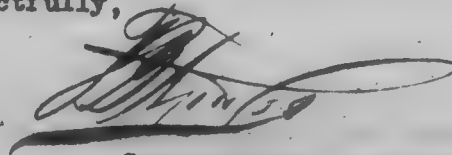
Violet Strait,

Meridian, Mississippi.

Dear Maad:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,



Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3428

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1904.

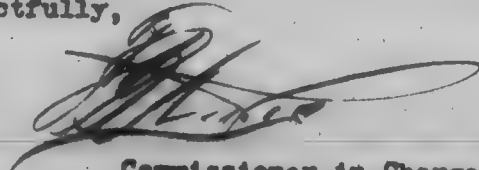
Katie Benjamin,

Meridian, Mississippi,

Dear Madam:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,



Commissioner in Charge.

M.C.R. 3427

Muskogee, Indian Territory, March 9, 1904.

Carrie Reynolds,

Ellisville, Mississippi,

Dear Madam:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

Commissioner in Charge.

M.C.N. 3425

Muskogee, Indian Territory, March 9, 1904.

Robert Williams,
Livingston, Alabama,

Dear Sir:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

G. D. [Signature]
Commissioner in Charge.

COPY.

M.C.R. 3426

Muskogee, Indian Territory, March 9, 1904.

Sam Cathey,
8111 Armour Avenue,
Chicago, Illinois,

Dear Sir:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

T. D. Nease.

Commissioner in Charge.

COPY.

M.C.R. 2750

Muskogee, Indian Territory, March 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 26th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Violet Strait et al., of which decision you were advised by mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

A. L. McGehee.

Commissioner in Charge.

REFER TO M. C. R. 2750

Violent Strait 1.6.22

Consolidated Case

CARD No.

NAME

RESIDENCE
COUNTY

POST OFFICE

AGE SEX

Adeline Casady (or Casady)
wife
Violet Casady (or Casady)

Amanda (or mankey) Harris
mar 1/2? negro
Med. Bell, negro slave

John Hooker 11-
wife
Kittie Williams 3/4

Robert Williams 6 3/4
wife
Parchment Williams
negro slave

Violet Bell, 39 1/2 or 40
mar
Frank Strait
Parents of husband
Jackie Tony Strait
mother Agatha Strait

Sam Cackey 33 3/4
wife
Stallie Cackey, negro
Eunice Williams 19

Katie Strait 23 1/4
mar
Thomas Benjamin
negro

Carrie Strait 21
D. Williams, dead
O. R. Reynolds, negro

Josh Strait 16
Curtis Strait 12 or 13
Sammy Strait 10
Nora Strait 8
Dora Strait 5

Clifton Cackey 9

late Principal applicant in 1875
states that he is half brother of
Strait not 2750 having the same
mother but different father



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 15 1904

CHAIRMAN



General Office.

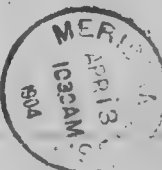
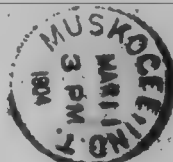
M. J. R.

3428

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as a Mississippi Choctaw.

Kettis Benjamin,

Meridian, Mississippi.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

General Office

W. L. R.

3428

Advised that the Secretary of the Interior has official Commission's decision, refusing application for identification as a Mississippian.

Katie Benjamin,

Meridian, Mississippi.

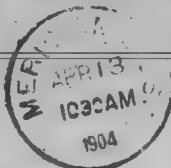


Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



#1002

No. 2500

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Violet Strait

Age 39 Blood 1/8

Post Office, Meridian, Miss.

Father: Ned Bell, Negro

Mother: Mandy Harris, L

Claims through Mother

Husband

~~Father: Frank Strait, 43~~

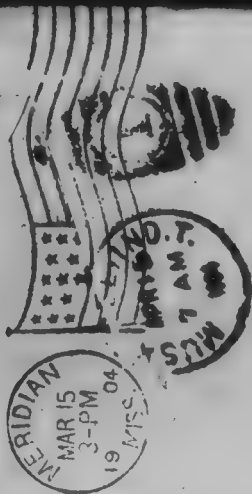
~~Mother: Cynthia " " L~~

New band claims through mother

Children: Josh — 16
Lester — 14
Sammy — 10
Nora — 8
Leora — 5

Claims for self
husband and
children.

Stenographer R. S. Strait



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 15 1904

[Handwritten signature]

CHAIRMAN



General Office

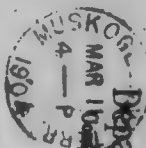
M. C. R.

2750

Advising that the Secretary of the Interior has affirmed Commissioner's decision, refusing application for identification as a Mississippi Choctaw.

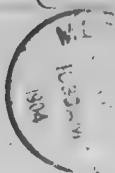
Violet Strait,

Meridian, Mississippi



Department of the Interior
Bureau of Indian Affairs
Official business only.
Official accounts

Penalty for private use, \$300.



Central Office

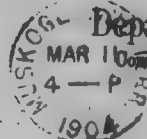
W. C. R.

2750

Approved by the Secretary of the Interior as official Commission's Station, refusal of application for acceptance as a Mississippi Choctaw.

Violet Strait,

Meridian, Mississippi



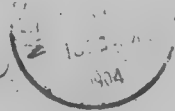
Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Choctaw MCR 2751

Alfred Gillispie

MCR 2751

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alfred Gillespie,
et al., for identification as Mississippi Choctaws, N O R 8751.

List of papers forwarded to Secretary of the Interior
in above entitled case. Comprising the record.

Original application of Alfred Gillespie
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....1

Affidavit of Calley White and George Sulphur..... 4

Joint affidavit of Jim Buck Gillespie
and John Buck Gillespie.....5

Certificate of A. H. Fox.....6

Decision of the Commission refusing the
application of Alfred Gillespie, et al.,
for identification as Mississippi Choctaws..... 7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Alfred Gillespie for the identification of himself and five minor children as Mississippi Choctaws.

Alfred Gillespie, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Alfred Gillespie.
Q What is your age? A I am sixty four years old.
Q What is your post office address? A Egypt, Mississippi.
Q How long have you been there? A I have been there seven years now.
Q Where were you born? A In Alabama.
Q Where in Alabama? A South Alabama.
Q How long did you live there? A Until I was ten years old.
Q And then you removed to what state? A Then removed to Mississippi, Chickasaw county.
Q And where have you been living since? A I have been living there for forty years.
Q What is your father's name? A Rouse Gillespie.
Q Is he living? A No sir, he has been dead about eight years.
Q What is your mother's name? A My mother's name Martha.
Q Is she living or dead? A She has been dead about two years.
Q Through which one of your parents do you claim Choctaw blood?
A Father.
Q How much do you claim? A My father was one half.
Q How much do you claim? A I don't know about one fourth I reckon.
Q Has your father through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not as I ever knowed--when my old master bought him, he was quite young.
Q Are you married? A My wife died Monday morning.
Q What was her name? A Ella Gillespie.
Q Was she a negro woman? A Yes sir, she was connected with the Indians on her mother and father's side. Her father was some kin to the Indians.
Q Were your father and mother slaves before the war? A Yes sir.
Q Was your wife's people slaves before the war? A Yes sir.
Q Were you a slave before the war? A Yes sir.
Q All owned by the same master? A No sir, Knowles owned my wife's father and her and Gillespie owned my people.
Q Give me the names of you children under twenty one? A Charlie.
Q How old? A Eighteen.
Q Next? A Lennie.
Q How old? A Sixteen.
Q Next? A Thornton, a boy, he is going on thirteen years old.
Q Next? A Ella L. She is twelve years old.
Q Next? A Sterling, that is the baby child.
Q How old is Sterling? A He is seven years old.
Q Is that all the children you have? A That is all I get under my

Alfred Gillespie----2.

jurisdiction. I have fourteen in all my case. That is from the time I taken a wife down to the present moment. I have been married twice.

Q Have you any other children by any other wife who are under twenty one years of age? A No sir, all married.

Q Is Ella the mother of these children? A Yes sir.

Q And these are all the children you have by any marriage that are under twenty one? A Yes sir.

Q Are these children living with you and supported by you? A Yes sir.

Q When and where were you married to your wife Ella? A Across in Clay county, Mississippi.

Q By a minister? A Yes sir.

Q You obtained a license to marry? A Yes sir.

Q Have you your marriage license and certificate with you? A No.

Q You are not able to produce the record of your marriage? A No.

Q This statement that you have given to me is by the Clerk of the Circuit Court of Clay County, Mississippi, stating that after diligent search he is unable to find the record showing the record

of marriages in that county for the years 1873 and that there is no records in the office or have there been since he has been Circuit Clerk? A I have been married this twenty six years and after we married there was a burning in West Point and the books all got burnt up.

Q And the proof of your marriage was destroyed? A Yes. And the people that came up and witnesses that I was lawfully married to Ella Knowles by license, and the preacher named Jim Booker, are dead.

Statement of Clerk of Circuit Court of Clay County, Mississippi/ in reference to record of marriages in that county for year 1873 presented by applicant, received, filed, marked Exhibit A and made a part of the record in this case.

Joint affidavit of John Buck Gillespie and Jim Buck Gillespie presented by applicant, received, filed, marked Exhibit B and made part of the record in this case.

Joint affidavit of Galip White and George Pulphus presented by applicant received, filed, marked Exhibit C, and made part of the record in this case.

Q Have you any other documentary evidence to introduce now? A No sir that is all.

Q Do you want time in which to present more evidence? A No sir.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for enrollment as members of that tribe for yourself and children? A No sir.

Q Did you or any one for you or for your children in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation together with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this to the Choctaw tribal authorities or the authorities of the United States for yourself or children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Alfred Gillespie---A.

Q Is this the first application of any kind you have ever made?

A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes sir.

Q Do you claim this right for yourself and children as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830 ~~and who were~~ recognized members of the Choctaw tribe of Indians at the time when the treaty of Pandung Rabbit Creek was ratified between the government of the United States and the Choctaw Indians? A No sir, I cannot.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors remove from the Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians when they were removed between 1833 and 1838? A No sir, not as I know of.

Q Is there anything further you want to say in support of this application? A No sir, that is all I know.

This applicant has the appearance and physical characteristics of one descended from negro ancestry. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and five minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of July, 1901.

[Signature]
Notary Public.

AMM
C.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alfred Gillespie,
et al., for identification as Mississippi Choctaws, H C R 2751.

THE DECISION :-

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Alfred Gillespie for himself and his five minor children, Charlie, Lennie, Thornton, Ella L. and Sterling Gillespie, under the following provision of the act of Congress approved June 26, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation

Proclamation and was himself a slave, and that the minor applicants herein are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Alfred Gillespie, Charlie Gillespie, Lonnie Gillespie, Thornton Gillespie, Ella L. Gillespie and Sterling Gillespie as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Irene Dixby.

Acting Chairman

T. E. Muddico.

Commissioner

C. P. Cunningham.

Commissioner

Muskogee, Indian Territory

DEC 18 1902

Muskogee, Indian Territory, December 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alfred Gillespie, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Alfred Gillespie, Charlie Gillespie, Lonnie Gillespie, Thorton Gillespie, Ella L. Gillespie and Sterling Gillespie as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Fame Doby

Acting Chairman.

M.C.R. 2751

Muskogee, Indian Territory, December 18, 1902.

Alfred Gillespie,

Egypt, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alfred Gillespie, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Alfred Gillespie, Charlie Gillespie, Lonnie Gillespie, Thornton Gillespie, Ella L. Gillespie and Sterling Gillespie as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm O'Connell

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Alfred Gillespie, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 18, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamm C.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2751

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

Feb. 21, 1903.

Land
1441--1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Alfred Gillespie for the identification of himself and his five minor children, Charlie, Lonnie Thornton, Ella L. and Sterling Gillespie, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that no freedman is entitled to identification as a Mississippi Choctaw under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that these applicants being freedmen their application should be refused.

An examination of the record evidence shows that the applicants claim to have derived their Choctaw blood through a common ancestor named Rouse Gillespie; but neither the record evidence nor an examination of the office records show that the said Rouse Gillespie ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or received a patent for land thereunder. The record evidence does show that none of the applicants is a Choctaw

Indian of the full blood.

By reason of the premises the office considers that the evidence is insufficient to identify these applicants as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation by reason of the provisions of article 14 of the treaty of 1830, and therefore recommends that their application be denied by the Department.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W. C. B.(S)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

D.C.-8441.
ITD.2228-1903.
IRS.

March 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 3, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Alfred Gillespie and his minor children, Charlie, Lonnie, Thornton, Ella L. and Sterling Gillespie, including your decision of December 18, 1902, refusing the application.

You found that the principal applicant was born of a slave mother and was himself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

The principal applicant testifies that his father, Rouse Gillespie, was one-half Choctaw Indian, and the Acting Commissioner of Indian Affairs reports February 21, that the records of the Indian Office fail to show that Rouse Gillespie complied or attempted to comply with article 14 of the treaty of September 27, 1830. He recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department affirms your decision rejecting the application.

Respectfully,

(signed) THOS RYAN.

1 inclosure.

Acting Secretary.

N O R 2751

COPY.

Muskogee, Indian Territory, March 31, 1903.

Alfred Gillespie,
Egypt, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alfred Gillespie, et al., of which decision you were advised by registered mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M O R 2751

COPY:

Maskogee, Indian Territory, March 31, 1903.

Mansfield, McKerray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alfred Gillespie, et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

(SIGNED)

Tarns Dixby

Chairman.

#1003

No

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Alfred Gillespie

Age 64 - Blood $1/4$

Post Office Egypt, Miss.

Father: Rouse Gillespie, d

Mother: Martha .. d

Claims through factor -
wife.

Ella - negro - d

Children:

Charlie — 18

Lonnie 16

Thornton 13

Ella L. 12

Stirling 7

Claims for self and

children -

Stenographer H.C. Risterson

A MISSISSIPPI CHOCTAW

R. 2751

REFUSED

Alfred Ellispie, et al

DECISION RENDERED:

U. H. I.

1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 18 1902

NOTICE OF DECISION MAILED APPLICANT

FOR CHOCTAW AND CHICKASAW NATIONS

DEC 18 1902

RECORD FORWARDED DEPARTMENT.

JAN 3

1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 1 1903

NOTICE OF DEPARTMENTAL ACTION

FORWARDED APPLICANT.

MAR 3 1 1903

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEY GENERAL

AND CHICKASAW NATIONS

Choctaw MQR 2752

Ella Pruitt

MQR 2752

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ella Pruitt, et al.,
for identification as Mississippi Shootaws, H. C. R. 2762.

List of papers forwarded to Secretary of the Interior

comprising the record in above entitled case.

Original application of Ella Pruitt,
et al., to the Dawes Commission for
identification as Mississippi Shootaws.....1

Decision of the Commission refusing the
application of Ella Pruitt, et al., for
identification as Mississippi Shootaws..... 6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 26th, 1901.

In the matter of the application of Ella Pruitt for the identification of herself and four minor children as Mississippi Choctaw.

Said Ella Pruitt, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Ella Pruitt.
Q How old are you? A Forty-six years old.
Q What is your postoffice address? A Meridian, Mississippi, 33rd Avenue between 11th and 12th.
Q How long have you lived in Mississippi? A All the time since I can remember.
Q Were you born in the State of Mississippi? A Yes sir.
Q Lived here all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Marion Dawkins. (Marion Dawkins) He was a white man; been dead a long time.
Q Is your mother living? A No sir, been dead a long time.
Q What was her name? A Mary Jane Dawkins.
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.
Q Did your mother always live in the State of Mississippi? A I don't know.
Q Was your mother a slave? A Yes sir.
Q Were you a slave? A Yes sir, before the surrender I was a slave.
Q What proportion of Choctaw blood do you claim to have? A My mother was half Indian.
Q What proportion do you claim to have? A One quarter.
Q Your father had no Choctaw blood? A Not as I knows of.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the United States authorities? A I couldn't tell you anything about that. I don't know only what she has always told me.
Q What has she told you? A She said they had stolen her mother when she was small. They stole her.
Q Has she ever been recognized? A I don't know.
Q Is your husband living? A Yes sir.
Q What is his name? A Hatch Pruitt.
Q Has he any Choctaw blood? A A little I guess; I don't know.
Q You couldn't swear that he has? A No sir.
Q Do you make any claim for him? A No sir.
Q What is he, a negro? A Yes sir.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir, four.
Q Are they all by the same man? A Yes sir.
Q Give me the names and ages of these children? A Pearlle.
Q How old? A Sixteen.
Q Next? A Asalee.
Q How old is Asalee? A Fourteen.
Q Next? A Annie Laura.
Q How old is she? A Ten years old.
Q Next one? A Georgia.
Q Boy or girl? A Girl.

- Q How old is she? A Four years old.
- Q These children are all girls, are they? A Yes sir.
- Q This application then is for yourself and four minor children, is that right? A Yes sir.
- Q These children are all living with you now, are they? A Yes sir.
- Q You are the mother of all these four children? A Yes sir.
- Q What is the name of the father? A Hatch Pruitt.
- Q They get their Indian blood solely through you? A Yes sir.
- Q Is your name or the name of anyone of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know, anything about it. I don't know what that is.
- Q By tribal rolls I mean lists of persons prepared by the Choctaws themselves? A I don't know.
- Q Their names are not on any of the rolls in Indian Territory, are they? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities for yourself or any of your children to be enrolled as members of that Tribe? A No sir.
- Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir, this is the first time.
- Q This is your first application of any description for yourself and children? A Yes sir.
- Q Do you now desire to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim your rights under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q I will read the 14th article of the treaty of Dancing Rabbit Creek to you:-
- "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."
- Q Do you claim under this article of that treaty? A Yes sir.
- Q Have you ever received any benefits as a Choctaw Indian? A No sir.
- Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A I don't know of any.
- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Not as I know of.
- Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here in Mississippi, in the old Choctaw Nation in Mississippi or Alabama when the treaty of Dancing Rabbit Creek was made? No.

Ella Pruitt et al---3

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaw Tribe of Indians in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied with or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Mr. A. W. Trotter, attorney for applicant, requests thirty days time in which to file documentary evidence in support of this application.

Permission is granted Mr. A. W. Trotter, attorney for applicant, to file written evidence in support of this application provided the same is offered for filing within thirty days from the date hereof.

This applicant has the appearance of being a negro, though shows slight indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

The decision of the Commission as to your application and the application you make on behalf of your four minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 26th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

W. H. Pruitt et al.

Subscribed and sworn to before me this the 11th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

*Comm.
Cov.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Order: 10000

In the matter of the application of Ella Pruitt, et al.,
for identification as Mississippi Choctaws, H. C. R. 2752.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Ella Pruitt for herself and her four minor children, Pearlle, Asalee, Annie Laura and Georgia Pruitt, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

descendants of one Mary Jane Dawkins, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted Court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Jane Dawkins signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Pruitt, Pearlle Pruitt, Analee Pruitt, Annie Laura Pruitt and Georgia Pruitt as Choctaw Indians entitled to rights in the

Section lands under the provisions of said article fourteen of the
treaty of eighteen hundred and thirty, and that the application
for their identification as such should be refused, and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Waskoge, Indian Territory,

OCT 31 1902

Muskogee, Indian Territory, October 31, 1902.

A. W. Trotter,
Attorney at Law,
Shaduta, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ella Pruitt, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Pruitt, Pearlle Pruitt, Analee Pruitt, Annie Laura Pruitt and Georgia Pruitt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A W T 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments at this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Pixey
Acting Chairman.

Registered.

Mustache, Indian Territory, October 31, 1908.

Mila Pruitt,
35rd Avenue, between 11th & 18th,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Mila Pruitt, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mila Pruitt, Pearl Pruitt, Analee Pruitt, Annie Laura Pruitt and Georgia Pruitt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

2 7 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

James D. Dyer
Acting Chairman.

Registered.

M C R 2708

COPY.

Waskagoo, Indian Territory, October 24, 1902.

Manfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ella Pruitt, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1895 (29 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Pruitt, Pearl Pruitt, Annie Pruitt, Annie Laura Pruitt and Georgia Pruitt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

X 100 A 5 2

You are further advised that the applications in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James H. Smith
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ella Pruitt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The Commission has the honor to report that the principal applicant in this case, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dancy.

Acting Chairman.

Through the
Commissioner of Indian Affairs,
Enc. H C R 2702

D.C. 2313

-1- COPY -1-

EAF.

ITD, 280-1903.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ella Pruitt and her minor children, Pearlle, Analee, Annie Laura and Georgia Pruitt.

The applicants claim to be descendants of one Mary Jane Dawkins, alleged to have been a half blood Choctaw Indian

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mary Jane Dawkins complied or attempted to comply with article 14 of the treaty of September 27, 1850, or with either of the acts of March 3, 1857 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 31, 1902.

The Commissioner of Indian Affairs forwarded the case January 8, 1903, and recommended that your decision be approved. A copy of his letter is inclosed. The Department has carefully considered the record in the case and hereby affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

-:- COPY -:-

Land.
69,852-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 8, 1903.

The Honorable

The Secretary of the Interior,

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Ella Pruitt for herself and her four minor children, Pearlle, Asalee, Annie Laura and Georgia Pruitt for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 31, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Mary Jane Dawkins, the mother of the principal applicant.

Ella Pruitt says her ancestors did not comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty of 1830 and were not residents of the Choctaw Nation in 1830.

The Commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the

-:- 2 -:-

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Mary Jane Dawkins and it is found that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,
Commissioner.

(E.B.H.)

P.

M.C.R. 2782

COPY

Maskogee, Indian Territory, January 31, 1903.

Manfield, McMurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ella Pruitt, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

W. C. C. C.

James E. Smith

Acting Chairman.

M.C.R. 2752

COPY.

Muskogee, Indian Territory, January 31, 1903.

Willa Pruitt,
33rd Ave. between 11th and 12th.
Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 28th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Willa Pruitt, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

T. J. Harrison

Acting Chairman.

M.C.R. 2762

COPY.

Muskogee, Indian Territory, January 31, 1903.

A.W. Trotter,
Attorney-at-Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ella Pruitt, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

Tammie Kirby

Acting Chairman.

22752
Ella Pruitt, et al.

REFUSED

DECISION RENDERED. OCT 31 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 31 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JAN 31 1903

NOTICE OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 31 1903

1004

No. 2, 12

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Ella Pruitt

Age 46 Blood 1/4

Post Office Meridian Miss.
33rd An. Return 11th R. 12/14

Father: Marion Dawkins d

Mother: Mary Jane " d

Claims through mother
husband. Watch Pruitt (negro)
(no claim for husband)

(Claims for self and 4
minor children)

Children:

Pearlie Pruitt 16

Asalee " 14

Annie Laura " 10

Georgia " 4

Stenographer

St. Kilg

Choctaw MCR 2753

Winnie Morgan

MCR 2753

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Winnie Morgan, et
al., for identification as Mississippi Choctaws, M. C. R. 2753.

List of papers forwarded to the Secretary of the Interior
comprising the record in above entitled case.

Original application of Winnie Morgan, et
al., to the Dawes Commission for identifica-
tion as Mississippi Choctaws..... 1

Decision of the Commission refusing the
application of Winnie Morgan, et al.,
for identification as Mississippi Choctaws..... 2

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Winnie Mergan for the identification of herself and two minor children as Mississippi Choctaws.

Winnie Mergan, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Winnie Mergan.
Q How old are you? A Sixteen.
Q What is your post office address? A Bonita, Mississippi.
Q How long have you lived at Bonita? A I have been living there about six years.
Q Where did you live before you lived there? A Down in Lawrence, Mississippi.
Q Where were you born? A Lawrence, Mississippi.
Q Did you ever live anywhere else than in the state of Mississippi?
A No sir, raised down there in Lawrence.
Q What is your father's name? A Jim Frost.
Q Is he living or dead? A He is living.
Q Is your mother living? A No sir, she is dead.
Q What was your mother's name? A Manda H. Blackwell.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A My mother was three quarters.
Q Are you sure about that? A Yes sir.
Q How much is three quarters--is it more than one half? A Less than one half I think.
Q How much is one eighth-- is that more than two quarters? A That aint three quarters.
Q Would eleven eighths be more than five sixths? A I don't know.
Q How do you know your mother had three quarters Choctaw blood?
A She said her daddy was Injun.
Q Was he a full Indian? A That is what she always told me.
Q How about her mother? A I don't know sir.
Q If her mother was a full blood Choctaw Indian and her mother was a full blood negre, how much would your mother be? A I don't know.
Q Then how much would you be? A I don't know.
Q How much has your mother got to be to make you three quarters?
A I reckon -----I don't know sir.
Q Then do you really know how much Choctaw blood you have? A No sir.
Q Then what makes you say three quarters? A I said my mother said she was three quarters.
Q How much do you claim to be? A I don't know sir.
Q What is your father's blood? A I don't know sir what he was---a nigger I reckon.
Q Your father is named Frost and your mother's name is Blackwell-- Were your father and mother married? A Yes.
Q How do their names happen to be different? A She never took her husband's name.
Q Was your father a slave before the war? No sir.
Q Are you sure about that? A Yes sir.
Q He was a full blood negre and was not a slave before the war?
A No sir.

Winnie Morgan----2.

- Q Was your mother a slave before the war? A She said she was.
- Q And she took her master's name and kept it? A Yes sir.
- Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Fate Morgan.
- Q What is his blood? A I don't know sir, he says he is mixed with Injun.
- Q Don't he look pretty much like a negro? A Yes sir.
- Q Do you think he is a negro? A He is pretty dark.
- Q You don't know any other than negro blood in him? A His hair is straight and curly.
- Q Is it as straight as yours? A Yes sir.
- Q Is it straighter than yours? A Yes sir.
- Q Do you make any claim for your husband? A No sir.
- Q Have you children under twenty one years of age and unmarried that you want to make application for? A Yes.
- Q What is the name of the oldest? A Ben.
- Q How old? A Three.
- Q Give me the name of the next? A Sim.
- Q How old is Sim? A Two years old.
- Q Have you any others? A No sir.
- Q Is Fate Morgan the father of these two children? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q Do you take care of these children? A Yes, he works for them.
- Q When were you married to your husband---Were you married by an ordained minister? A Yes sir.
- Q You were married under license? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
- Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of that tribe? A No sir.
- Q Did you or any one for you in 1896 or for your children in 1896 under the act of Congress of June 16, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself and children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Is this the first application you have ever made? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q What are you--more of a Choctaw Indian than you are a negro? A More of an Indian I reckon.
- Q Can you speak the Choctaw language? A No sir.

Winnie Morgan-----3.

Q Do you claim your rights as beneficiaries for yourself and children under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A My grandfather was Solomon Frost and his wife Winnie.

Q Were they full blood Choctaw Indians? A I don't know, my mother's father was killed in the war.

Q These ancestors that you gave me are negro? A Yes.

Q I want your Choctaw ancestors? A I don't know sir.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir, not as I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the states? A I don't know sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir, I used to could, but I can't now.

Q You aint a great deal of an Indian, are you? A I reckon I am right smart, but I don't know.

Q Are you nor right smart enough of an Indian to talk Indian language? A I said I could talk but I have forgotten everything I did know.

Q Can you say yes or no in Choctaw? A No sir.

Q What is "little boy" in Choctaw? A Pushash.

Q What is "little girl"? A I don't know sir, I g forget. I used to stay around so much that I did not learn good.

Q You don't know very much about it do you? A No sir.

Q Are there any additional statements you want to make in support of your claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No sir.

Q Do you want thirty days time in which to file documentary evidence in support of this application? A Yes.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance and general characteristics of a person descended from negro parents. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830:

The decision of the Commission as to your application for the identification of yourself and your two minor children as Mississippi Choctaws will be determined at the earliest possible

Winnie Morgan----4.

date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of July, 1901.

[Signature]
Notary Public.

COW
COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Winnie Morgan,
et al., for identification as Mississippi Choctaws, N.C.R. 2753.

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Winnie Morgan for herself and her two minor children, Ben and Elm Morgan, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Manda H. Blackwell, who is alleged to have been a three quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henda H. Blackwell, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180), and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winnie Morgan, Ben Morgan and Sam Morgan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

and that the application for their identification as such should
be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamas Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

D. P. Breckinridge.

Commissioner.

Washington, Indian Territory,

DEC 5 1902

COPY.

M.C.R. 2753.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Winnie Morgan, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winnie Morgan, Ben Morgan and Sim Morgan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Taine Doby
Acting Chairman.

M.C.R. 2733.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Winnie Morgan,

Bonita, Mississippi.

Dear Madam:-

You are hereby advised that on the 8th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Winnie Morgan, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats, 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Winnie Morgan, Ben Morgan and Sim Morgan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date herein within which to file arguments in this office, and that at the expiration of said time the papers in the

Winnie Morgan--P.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tamc Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Winnie Morgan, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Chairman.

Enc.: M.C.R.2753.

D.C. 8439-1903
ITD 2256-1903

IRS

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON,

WHR

March 24, 1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application of Winnie Morgan, for the identification of herself and her two minor children, Ben and Sim Morgan, as Mississippi Choctaws (M C R 2753), including your decision of December 5, 1902, adverse to the applicants.

The principal applicant, Winnie Morgan, is the daughter of Jim Frost and Manda H. Blackwell, the former a negro and the latter alleged to be a three-fourths blood Choctaw Indian, through whom descent is claimed.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Manda H. Blackwell, or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 26, 1903, the Acting Commissioner of Indian Affairs stated:

An examination of the records of this office with reference to the name of Mandy H. Blackwell has been made and it is discovered

that her name does not appear among those who complied or attempted compliance with the provisions of the 14th article of said treaty. As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in Mississippi in 1830 the office has been unable to make an examination of its records as to whether they had such an ancestor.

It is therefore the opinion of this office that the decision of the Commission rejecting the parties hereto is correct and it is recommended that said decision be approved.

The Department is of the opinion, from the testimony submitted, that the applicants have failed to establish their rights to Choctaw citizenship, and in accordance with the Acting Commissioner's recommendation, a copy of whose report is inclosed, your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

Inclosure

Land
76217-1902

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

Feb. 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Winnie Morgan for herself and her two minor children Ben and Sim Morgan, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Mandy H. Blackwell, the principal applicant's mother. The applicants do not know the name of an ancestor more remote than this Mandy H. Blackwell, and do not claim that she lived in Mississippi in 1830; nor do they know of the compliance or attempted compliance of any of their ancestors with the provisions of the 14th article of said treaty.

The Commission rejected the applicants December 5, 1902, because the name of Mandy H. Blackwell does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

-2-

An examination of the records of this office with reference to the name of Mandy H. Blackwell has been made and it is discovered that her name does not appear among those who complied or attempted compliance with the provisions of the 14th article of said treaty. As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in Mississippi in 1830 the office has been unable to make an examination of its records as to whether they had such an ancestor.

It is therefore the opinion of this office that the decision of the Commission rejecting the parties hereto is correct and it is recommended that said decision be approved.

Very respectfully,

(Signed) A.C. Tenner,

Acting Commissioner.

C T C (S)

M.C.R. 2783

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurtry & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Winnie Morgan, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

Tamoc Liberty
Chairman.

M.C.R. 2753

COPY.

Washoe, Indian Territory, March 31, 1903.

Winnie Morgan,

Benita, Mississippi.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Winnie Morgan, et al., of which decision you were advised by registered mail on the 8th day of December, 1902.

Respectfully,

James Bixby.

Chairman.

#1005

No

27.13

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Winnie Morgan.

Age 16

Blood

~~3/4~~

don't know.

Post Office, Bonita, Miss.

Father: Jim Frost

negro.

(Blackwell)

Mother: Manda H. Blackwell

Claims through

mother

~~husband~~

Fate Morgan,

No claim for husband

Children:

Ben

3

Jim.

2

Claims for self
and children.

Stenographer

H. C. Rosten

A MISSISSIPPI CHIEF JAW

R-2753

REFUSED

Winnie Morgan et al.

DECISION RENDERED. DEC 5-1902

NOTICE OF DECISION MAILED APPLICANT. DEC 5 1902

R. 2753

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 5 1902

RECORD FORWARDED DEPARTMENT. DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 1 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 31 1903

DECISION PREPARED

JAN 10 1908

MUSKOGEE, IND.

FILED

JAN 20 1903

ACTING CHAIRMAN

REGISTE

JAN 10 1903

MUSKOGEE, INDIAN

ACTING CHAIRMAN

JAN 20 1903

6

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



4729

Winnie Morgan,

Bonita, Mississippi.



Choctaw MCR 2754

Della Little

MCR 2754

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Della Little for the identification of herself and one minor child as Mississippi Choctaws.

Della Little, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Della Little.
Q What is your age? A Twenty years old.
Q What is your post office address? A Enterprise, Mississippi.
Q How long have you lived at Enterprise? A I have lived near there all my life.
Q Born in Mississippi and always lived in Mississippi? A Yes.
Q What is your father's name? A Allen Gant.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary J. Gant.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Through my mother.
Q How much do you claim? A I don't know sir.
Q How much does she have? A I don't know sir.
Q Is your father a white man? A Yes sir.
Q And your mother part white and part Choctaw? A I don't know sir.
Q How do you know whether your mother has any Choctaw blood at all?
A Her pa or grandfather or something, I don't know hardly myself. I heard them talking about it.
Q Are you married? A Yes sir.
Q What is your husband's name? A Bill Little.
Q Is he a white man? A Yes sir.
Q Do you make any application for him? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes, I have one.
Q What is the name? A Nettie J.
Q How old is Nettie? A Two months old.
Q Is Bill Little the father of Nettie J. A No sir.
Q Who is her father? A Yes sir, Bill Little is the father.
Q You are the mother? A Yes sir.
Q Is this child living with you at your home? A Yes sir.
Q Were you married to your husband by a minister of the gospel?
A Yes sir.
Q And under a license? A Yes sir.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself or child as members of that tribe? A No sir.
Q Did you or any one for you in 1898 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1898? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A No sir.

Della Little----2.

Q Have you ever made any application for yourself or child before this to any authority for citizenship in the Choctaw Nation? A No, sir.

Q Is this the first application of any description you have ever made? A Yes sir.

Q Do you now make application for identification as Mississippi Choctaws for yourself and child? A Yes sir.

Q Do you claim your rights as beneficiaries for yourself and this child under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama at the time the treaty of Dancing Rabbit Creek was ratified between the United States and the Choctaw Nation? A No sir.

Q Can you tell whether any of your ancestors went from Mississippi or Alabama to the Indian Territory when the other Indians went there between the years 1833 and 1838? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q You never lived among the Choctaws? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 or ever received any benefits under that article of that treaty? A No sir.

Q Would you like time in which to introduce testimony? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance and all characteristics of a person descended from white parentage. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your minor child as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H. C. Risteen, having been first duly sworn, upon his oath states:

Wells Little--S.

That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901; and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

W. C. Rusteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of July, 1901.

[Signature]
Notary Public.

COPY

Muskegee, Indian Territory, February 9, 1903.

Della Little,

Enterprise, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Gant, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Gant, et al.,	M.C.R. 2418
Lillie Gant,	M.C.R. 2756
Della Little, et al.,	M.C.R. 2754
Lula Little, et al.,	M.C.R. 2755

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Gant, Tom George Gant, Dollie O. Gant, Willie M. Gant, Allen W. Gant, Lillie Gant, Della Little, Nettie J. Little Lula Little, Epsy Little and John S. Little as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Tame Bixby.
Acting Chairman.

Registered.

M.C.R. 2754

COPY

Muskogee, Indian Territory. April 23, 1903.

Della Little,

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Gant, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

SIGNED

Tame Bixby

Chairman

Della Little et al

REFUSED

DECISION RENDERED. FEB 9- 1903

NOTICE OF ~~DECISION~~ MAILED APPLICANT. FEB 9 1903

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. FEB 9 1903**

RECORD FORWARDED DEPARTMENT. FEB 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 9 1903

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 23 1903**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT APR 23 1903**

REFER TO M. C. R.

DECISION PREPARED

#1006

No. 2001

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Vella Little

Age 20

Blood don't know

Post Office, Enterprise, Miss.

Father: Allen Sant, U.

Mother: Mary J. Sant U.

Claims through
husband

Mother

Bill Little w.

No claim for husband

Children:

Nettie J. — 2 m.

Claims for self and
child

Stenographer

H. C. Ransom

Choctaw MCR 2755

Lula Little

MCR 2755

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the application of Lula Little for the identification of herself and two minor children as Mississippi Choctaw

Lula Little, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lula Little.
Q What is your age? A Eighteen.
Q What is your post office address? A Enterprise, Mississippi.
Q Where were you born? A In Mississippi.
Q And always lived in the state of Mississippi? A Yes sir.
Q Where in Mississippi have you always lived? A In Newton County.
Q Where were you born? A Lawrence.
Q And now you live in Lauderdale? A Yes.
Q What is your father's name? A Allen Gant.
Q Is he living or dead? A He is living.
Q What is your mother's name? A Mary J. Gant.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A I don't know sir.
Q You don't know how much Choctaw blood you have? A No sir.
Q How much Choctaw blood does your mother have? A I don't know sir.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ben Little.
Q What is he---a white man? A Yes sir.
Q Do you make any claim for him? A I don't know sir.
Q Is he a Choctaw Indian? A Yes.
Q Is he a white man or a Choctaw Indian? A I don't know.
Q You said he was white and then you said he was a Choctaw and now you say you don't know---Can you tell me what you mean by that.
Q Do you make any claim for him? A No sir.
Q How many children have you under twenty one years of age and unmarried? A Two.
Q What is the name of the oldest? A Epsey.
Q How old is Epsey? A Three years old.
Q What is the name of the next? A John S.
Q How old is John S.? A One year and four months old.
Q Is Ben little the father of these two children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you married to your husband under license and by an ordained minister? A Yes sir.
Q Is your name or the names of you children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for the enrollment of yourself and children as members of the Choctaw Nation? A No sir.
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Lala Little---2.

Q Have you ever been admitted to citizenship in the Choctaw Nation together with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application for yourself or children before this to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A Yes sir.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was ratified? A I don't know sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians when they went there between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A Yes sir.

Q Can you carry on a conversation with a Choctaw Indian? A Yes sir.

Here Isham Johnston, official interpreter for the Commission asks witness a question in the Choctaw language.

Q Did you understand what the interpreter said to you? A No sir.

Q Didn't you know what I meant when I asked you if you could talk Choctaw? A No sir.

Q Don't you understand that a Choctaw Indian has a language of his own? A Yes sir.

Q Do you come before the Commission and ask to be enrolled as a Choctaw Indian, and say you don't understand what I mean when I ask you if you can talk the Choctaw language? A Yes.

Q Do you understand that this interpreter is a full blood Choctaw Indian and has his own language and can talk that language? A Yes sir.

Q And do you claim that you can talk that Choctaw language? A No sir.

Q Then when I said Can you talk the Choctaw language, you didn't know what I meant? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty. A No sir.

Lula Little---B.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance and all characteristics of one descended from white parents. If there is a trace of Choctaw blood, it is not apparent in her manner or appearance. She claimed she could talk the Choctaw language, and when the interpreter made the attempt to talk to her, she said she could not understand it, and did not know what was meant by asking if she could talk Choctaw. She has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and your two minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 26, 1896, and a copy of such decision will be mailed to you at your post office address as given in your testimony.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of July, 1901.

[Signature]

Notary Public.

COPY.

M.C.R. 2755

Muskogee, Indian Territory, February 9, 1903.

Lula Little,

Enterprise, Mississippi

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Gant, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Gant, et al.,	M.C.R. 2418
Lillie Gant,	M.C.R. 2756
Della Little, et al.,	M.C.R. 2754
Lula Little, et al.,	M.C.R. 2755

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Gant, Tom George Gant, Dollie S. Gant, Willie M. Gant, Allen W. Gant, Lillie Gant, Della Little, Nettie J. Little, Lula Little, Epsy Little and John S. Little as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Pirby.
Acting Chairman.

Registered.

H.C.R. 2765

COPY.

Washoe, Indian Territory, April 23, 1905.

John B. B. B.

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Gant, et al., of which decision you were advised by registered mail on the 9th day of February, 1905.

Respectfully,

REMOVED

Tame Bixby
Chairman

#1007

No. 2755

For Identification as a Mississippi Choctaw.

Date JUN 26 1901

Name Lula Little

Age 18 Blood dont know.

Post Office, Enterprise, Miss

Father: Allen Sant, l.

Mother: Mary J. Sant l.

Claims through mother,

~~Husband~~
~~Ben Little w.~~

No claim for husband,

Children:

Epsy — 3
John J. — 1-4 m.

Claims for self
and children.

Stenographer

H. C. Ristey

Lula Little et al.

REFUSED

DECISION RENDERED. FEB 9- 1903

NOTICE OF DECISION MAILED APPLICANT: FEB 9 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. FEB 9 1903

RECORD FORWARDED DEPARTMENT. FEB 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 9 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. APR 23 1903

NOTICE OF DEPARTMENTAL ACTION
FOR MAILED APPLICANT. APR 25 1903

REFER TO M. C. R.

DECISION PREPARED

Choctaw MCR 2756

Lillie Gant

MCR 2756

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 26, 1901.

In the matter of the applicant of Lillie Gant for identification as a Mississippi Choctaw.

Lillie Gant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lillie Gant.
Q What is your age? A I am twenty five.
Q What is your post office address? A Enterprise, Mississippi.
Q How long have you lived at Enterprise? A I don't recollect how long.
Q How long have you lived in Mississippi? A All my life.
Q In what counties have you lived? A Just in Landerdale.
Q What is your father's name? A Allen Gant.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary J. Gant.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A I don't know that my mother.
Q How much do you claim? A I don't know sir.
Q How much Choctaw blood does your mother have? A I couldn't tell you how much.
Q What is your father--a white man? A Yes sir.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities? A No sir.
Q Are you married? A No sir.
Q Are you making this application for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in that tribe? A No sir.
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
Q Is this the first application you have made of any description?
A Yes sir.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Lillie Cant---2.

- Q Do you claim your rights under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent their intention to remain in Mississippi and become citizens of the United States? A No sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Are there any additional statements you want to make in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No sir.
- Q Would you like time in which to introduce documentary evidence? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance of one descended from white parents. She does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 23, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of June, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of July, 1901.

H.C. Risteen

Notary Public.

COPY.

M.C.R. 2756

Muskogee, Indian

Agency, February 9, 1903.

Lillie Gant,

Enterprise, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of February, 1903,

the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Gant, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Gant, et al.,
Lillie Gant,
Della Little, et al.,
Lula Little, et al.,

M.C.R. 2423
M.C.R. 2756
M.C.R. 2754
M.C.R. 2755

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Josephine Gant, Tom George Gant, Della O. Gant, Willie M. Gant, Allen W. Gant, Lillie Gant, Della Little, Nettie J. Little, Lula Little, E. Lee Little and John S. Little as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Registered.

N.D.R. 2756.

COPY.

Waskagoo, Indian Territory, April 22, 1905.

Lillie Gant,

Enterprise, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Josephine Gant, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(signed)

Tatne Dixby

Chairman.

Lillie Gant

REFUSED

DECISION RENDERED. FEB 9- 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 9 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 9 1903

RECORD FORWARDED DEPARTMENT.

FEB 25 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 9 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 23 1903

REFER TO M. C. R.

DECISION PREPARED

#1008

No. 2756

For Identification as a Mississippi Choctaw.

Date JUN 26 1901.

Name *Lillie Sant.*

Age *25* — Blood *don't know.*

Post Office, *Enterprise, Miss.*

Father: *Allen Sant, l*

Mother: *Mary J. " l*

Claims through *mother.*

~~Claims:~~

*Claims for self
alone.*

Stenographer *H. C. Risteen*

Choctaw MCR 2757.

William H. Lewis.

MCR 2757

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. June 28, 1901.

2787

In the matter of the application of William H. Lewis for the identification of himself and his minor children as Mississippi Choctaw.

William H. Lewis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William H. Lewis.
Q What is your age? A Will be thirty-six in October; am thirty-five now.
Q What is your post-office address? A Mt. Selman, Texas.
Q How long have you lived there? A I have been there a little over three years.
Q Where did you live before that? A I was over- you want to get all the places I was living?
Q Where did you live just before you lived there? A Well, Ft. Worth.
Q How long did you live in Ft. Worth? A About five years.
Q How long have you lived in Texas? A Ever since '91, 27 October.
Q Were you born in Texas? A Yes; I have been living out of the State about five years; I was born and raised in Texas.
Q How old were you when you left Texas this last time? A About four years old.
Q And where did you go? A To Colorado Springs, ~~Colorado~~ S.C.
Q How long did you stay in Colorado Springs? A A little over four years.
Q Where did you go to? A To Rusk County Texas, Cherokee County.
Q How long did you live in Texas that time? A Ever since.
Q You have been living in Texas continuously ever since you came there from the Springs? A Yes.
Q What is your father's name? A Daniel B. Lewis.
Q Is he living? A No.
Q What is your mother's name? A Sarah B. Lewis. Sarah Benton Selman was her maiden name.
Q Is she living? A Yes; her name is King now; she married after, if you want that.
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A Well, I don't know exactly I can't tell.
Q About how much? A I suppose he was about a quarter.
Q How much do you claim? A I suppose of he is a quarter I am about an eighth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A I can't tell.
Q Are you married? A Yes.
Q What is your wife's name? A Minnie A. Lewis.
Q Is she living? A Yes.
Q Do you make application for her? A No, I do for the children, though.
Q How many children have you? A Two.
Q Give the names and ages of these children? A Minnie A. Lewis- 5; Delbert H. Lewis- 6.
Q These are all your children? A Yes.
Q What is the name of their mother? A Minnie A. Lewis.
Q When and where were you married to her? A Near Forest Texas.

William H. Lewis---2

Q Did you obtain a license to marry? A Yes.

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I can get them I haven't them with me.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application made on behalf of your minor children.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? Or is the name of your children? A Not that I know of.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for yourself or your children to be enrolled as members of that tribe? A No.

Q Did you or did anyone for you or for your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authority or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Are you familiar with the provisions of that article of that treaty? A Not exactly; no.

Q Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signifying to the agent his intention within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one half that quantity for each unmarried child which is living with him over the years of age and a quarter section to such child as may be living with him under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article are not to lose the privilege of of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." You claim under this article, do you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw tribe in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I can't tell you, only my grandmother's name was Davis before she married Lewis.

William H. Lewis---3

Q What was her first name? A Sarah Davis.

Q Did she live in Mississippi in 1830? A No; she had relatives living there by the same descendants.

Q You don't know, then, the name of the ancestor through whom you claim? A No, I can't give them.

Q Then you have no evidence showing that such ancestor was a recognized member of the Choctaw tribe at that time? A Yes, I have evidence here.

Q Well, how can you have evidence of that fact when you don't know who it is? A Well, to get right down to that fact, I can't do it; I know that we have been taught all our life that we are descendants of the Davises.

Q You don't know then whether your grand-mother or great-grandmother your grandfather or great grandfather ever lived in Mississippi in 1830? A Well, father had folks there.

Q Do you know whether this ancestor, if a Choctaw Indian, removed from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A Not positively.

Q If he did not remove with the other members of the tribe, do you know whether he within six months after the ratification of the treaty of 1830 signified to the United States Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Are there any additional statements you desire to make in support of this application? A What?

Q Is there anything more you want to say in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits as a Choctaw Indian? A Nothing, no more than this.

Affidavit of Willis Jackson offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; affidavit of John Lewis offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case.

On request of applicant thirty days time is allowed applicant in which to file additional evidence in support of this application.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws, will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

(Applicant apparently a white man.)

.. ..

Henry C. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on June 28,

1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. W. Luebaugh
Notary Public

Muskogee, Indian Territory, July 28, 1901.

Mr. W. H. Lewis,

Mount Selman, Texas,

Dear Sir:

Receipt is hereby acknowledged of joint affidavit of S. W. Agnew and G. W. Williams, and certified copy of marriage license and certificate between W. H. Lewis and Minnie Germany, offered for filing in support of the application of William H. Lewis for the identification of himself and children as Mississippi Choctaws.

Also of joint affidavit of S. W. Agnew and G. W. Williams and certified copy of marriage license and certificate between D. B. Lewis and S. M. McCarty, offered for filing in support of the application of Daniel B. Lewis for the identification of himself and children as Mississippi Choctaws.

The same have been duly filed in the cases above named.

Yours truly,

Commissioner in Charge.

MC 2757
2758

JOPY

Muskogee, Indian Territory, December 17, 1902.

William H. Lewis,
Mt. Selman, Texas.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

William H. Lewis-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 22, 1903.

William H. Lewis,
Kt. Selman, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

W H L 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

W H L S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

H. C. 32757.

COPY.

Muskogee, Indian Territory, December 5, 1903.

William H. Lewis,
Mt. Selman, Texas.

Dear Sir:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

William H. Lewis, et al.

REFUSED

DISCONTINUED

DEC 1 1902

RECORDED & INDEXED

DEC 1 1902

ATTORNEY FOR PLAINTIFFS

DEC 17 1902

FOR SHOUTAW AND ...

DEC 17 1902

RECORD FORWARDED

JAN 2 1903

RECEIVED

INTER

MAY 1 1903

ACTION OF THE DEPT. OF INTERIOR

NOV 26 1902

RECEIVED ACTION

DEC 5 1902

NOTICE FORWARDED ACTION

DEC 5

CHOCTAW

L

63

REFER TO M. C. R.

No. 2757

For Identification as a Mississippi Choctaw.

Date **JUN 28 1901**

Name *William H. Lewis*

Age *35* Blood *1/8*

Post Office, *Mt. Selman, Texas*

Father: *J. B. Lewis (dead)*

Mother: *Sarah B. Lewis King*

Claims through father's
wife *Minnie A. Lewis*
(no claim for her)

Children:

Minnie A. Lewis 9

Delbert 6

*(Claims for himself and
two minor children)*

Stenographer

Henry G. Hains

Choctaw MCR 2758

Daniel B. Lewis

MCR 2758

Department of the Interior.
Commission to the Five Civilized Tribes.
June 28, 1901, Atoka, I.T.

2758

In the matter of the application of Daniel B. Lewis for the identification of yourself and your minor child as Mississippi Choctaws.

Daniel B. Lewis having been first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Daniel B. Lewis.
Q What is your age? A Thirty-three.
Q What is your post-office address? A Ft. Worth, Texas, #336 N. Florence St.
Q How long have you lived there? A About four years.
Q Where did you live before that? A Alto, Texas.
Q How long have you lived in Texas? A I have been living in Texas pretty near all my life; that is when I was not in South Carolina except four years there.
Q How long did you live in Texas after you moved there the last time? A I can't tell you.
Q About how long? After you moved from South Carolina?
A About twenty-five years.
Q You have been living in Texas continuously twenty-five years? A Yes.
Q Where did you live just before that? A In South Carolina.
Q Were you born in South Carolina? A No, born in Tennessee.
Q How old were you when you left Tennessee? A About two or three years old.
Q What was your father's name? A Daniel B. Lewis.
Q Is he living? A No.
Q What is your mother's name? A Sarah Benton.
Q What is her name now? A Sarah B. King.
Q She is living is she? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A On my father's side.
Q How much Choctaw blood do you claim? A I suppose about one eighth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A I can't tell you.
Q Are you married? A Yes.
Q What is your wife's name? A Sarah.
Q Is she living? A Yes.
Q Do you make application on behalf of your wife? A Yes.
Q What do you claim her to be? A No; she is not to be at all.
Q You don't make application for your wife then.
A No, I misunderstood you.
Q Have you any children for whom you wish to apply at this time?
A Yes I have one.
Q Give the name and age? A Bertha May, sixteen months old.
Q This is your child? A Yes.
Q What is the name of her mother? A Sarah Lewis.
Q When and where were you married to Sarah? A I was married at Alto, Texas.
Q When? A February 9th, four years ago.
Q Did you obtain a license to marry? A Yes.
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.

Daniel B. Lewis---2

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I haven't got them.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application made in behalf of your minor children.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Are you familiar with the provisions of the fourteenth article of that treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the old Choctaw nation in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I can't tell you.

Q You don't know the name of the Mississippi Choctaw ancestor from whom you descended? A No.

Q You have no evidence that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No, I have only these papers in my pocket.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the old Choctaw nation in from 1833 to 1838? A No, not as I know of.

Q If he did not remove with the other members of the tribe, do you know whether he within six months after the ratification of the treaty of 1830 signified to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I can't tell you.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.

Q Are there any additional statements you desire to make in support of this application? A I don't believe there is.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper

Daniel B. Lewis---

papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A I have no evidence only these papers is all.

Affidavit of John Lewis offered in evidence by applicant marked Exhibit "A", filed and made a part of the records in this case; affidavit of Willis Jackson offered in evidence by applicant, marked Exhibit "B", filed and made a part of the records in this case.

Q Do you want time in which to file additional evidence in support of your claim? A Yes.

Thirty days time is allowed applicant in which to file additional evidence in support of this application.

The decision of the Commission as to your application for the identification of yourself and your minor child as Mississippi Choctaws will be determined at the earliest possible date and report of same will be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a white man.

Henry G. Hains being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on June 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Livebaugh
Notary Public

Muskogee, Indian Territory, July 25, 1901.

Mr. W. H. Lewis,

Mount Solman, Texas,

Dear Sir:

Receipt is hereby acknowledged of joint affidavit of S. W. Agnew and G. W. Williams, and certified copy of marriage license and certificate between W. H. Lewis and Minnie Germany, offered for filing in support of the application of William H. Lewis for the identification of himself and children as Mississippi Cheetaws.

Also of joint affidavit of S. W. Agnew and G. W. Williams and certified copy of marriage license and certificate between D.B. Lewis and S. M. McCarty, offered for filing in support of the application of Daniel B. Lewis for the identification of himself and children as Mississippi Cheetaws.

The same have been duly filed in the cases above named.

Yours truly,

Commissioner in Charge.

MC 2757
2758

Muskogee, Indian Territory, December 17, 1902.

Daniel B. Lewis,
#336 N. Florence St.,
Fort Worth, Texas.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Daniel B. Lewis-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 22, 1903.

Daniel B Lewis,
#336 North Florence Street,
Fort Worth, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

D E L 2

relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

P. 3. L. 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.
Registered

M.C.R. 8758.

COPY:

Muskogee, Indian Territory, December 5, 1903.

Daniel B. Lewis,
236 N. Florence St.
Port Worth, Texas.

Dear Sir:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

No. 2758

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Daniel B. Lewis

Age 33 Blood 1/8

Post Office, Fl. North Texas
316 N. Florence St

Father: Daniel B. Lewis (dead)

Mother: Sarah B. King

Claims through father
wife Sarah Lewis
(no claim for her)

Children:

Bertha May Lewis 16 mo.

(Claims for himself and
one child)

Stenographer

Henry B. Hains

R.27

RECEIVED

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DEC 17 1902

NOTICE OF A NEW PUBLICATION

DEC 17 1962

NOTICE OF DEF. J. FORWARDED
ATTORNEY FOR APPLICANTS.

DEC 17 1992

FOR G. JOHAN AND THE JAMA NATION

DEC 17 1962

NOV 10 1944

JAN 1952

ACTION

ACKNOWLEDGMENTS

NO

ACTUAL ACTION

1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 26

DE.

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FORWARD TO THE APPLICANT.

DEC 3 1963

OCTAW

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REFER TO M. C. R. 48-15

Choctaw MCR 2759

Caroline Slater

MCR 2759

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Slater, for
identification as a Mississippi Choctaw, M.C.R. 2759.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Caroline Slater, M.C.R. 2759.

	page
Original application of Caroline Slater, to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Ex parte affidavit of George Kirby.....	4
Ex parte affidavit of Ben McMath.....	5
Decision of the Commission refusing the appli- cation of Caroline Slater for identification as a Missis- sippi Choctaw.....	6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 27th, 1901.

In the matter of the application of Caroline Slater for identification as a Mississippi Choctaw.

Said Caroline Slater, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Caroline Slater.
- Q What is your age? A I am fifty years old.
- Q What is your postoffice address? A Columbus, Mississippi, Lawrence County.
- Q How long have you lived there? A I have been in Mississippi about twenty-eight years.
- Q Where did you live before that? A I was born in Birmingham, Alabama.
- Q You never lived in any other states except Alabama and Mississippi? A No sir.
- Q What is your father's name? A Washington Martin.
- Q Is he living? A No sir, been dead for years.
- Q Is your mother living? A No sir.
- Q What was her name? A Mary Sandifer.
- Q Through which one of these parents do you claim Choctaw blood?
- A My father, because he was an Indian; I was old enough to know him before he died.
- Q How much Choctaw blood do you claim? A I claim my father was a whole Indian? *
- Q Your mother was what, a colored woman? A Yes sir.
- Q How much would that make you? A Half and half.
- Q Was your father, through whom you claim your right to identification as a Mississippi Choctaw, ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Are you married? A No sir, I am a widow now.
- Q Have you any children you want to make application for? A No sir, I have one child.
- Q How old is that child? A Thirty years of age.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to any authority whatever before this? A No sir.
- Q This is the first application of any description you have ever made, is it? A Yes sir.
- Q Do you now seek to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you make this claim to identification as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Caroline Slater---2

Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made? A Yes sir; I can't give the name of my grandfather or grandmother. My grandfather wasn't in the same State I was born in and neither was my mother's father.

Q Have you any proof that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A Yes sir.

Q Do you propose to present that proof now? A Yes sir.

Q Did any of your ancestors remove from the territory occupied by the Choctaw Tribe of Indians in Mississippi and Alabama and go to the Indian Territory between the years 1833 and 1838 when the other Indians went there? A I don't know, sir.

Q Was your father a slave before the war? A No sir, he wasn't exactly a slave. He was there with the slaves but he lived with Col. Martin.

Q Was he owned by anybody? A I don't know. He stayed at Col. Martin's.

Q Was your mother a slave before the war? A Yes sir.

Q Was you a slave? A Yes sir.

Q Who owned your mother? A Sandifer.

Q Who owned you? A She owned me until she died and I was willed to her daughter.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors claim or receive land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? Yes sir.

There is offered in evidence the affidavit of George Kirksey, received filed, marked "Exhibit-A" and made a part of the records in this case. Also the affidavit of Ben McMath introduced by applicant received, marked "Exhibit-A", filed and made a part of the records in this case.

Q Do you want time in which to introduce further evidence of any description? A Yes sir.

Permission is granted the applicant to offer additional written evidence in support of her claim, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance of a person descended from mixed ancestry composed of negroid Indian blood, in

Caroline Slater---3

which the negro predominates. the Indian blood is indicated in her features and in hair which is long, black and almost straight. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable with the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 27, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of July, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Slater for
identification as a Mississippi Choctaw, M.C.N. 8789.

- - - D E C I S I O N - - -

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
by Caroline Slater for herself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears from the testimony that this applicant was
born of a slave mother, prior to the Emancipation Proclamation, and
was herself a slave, and it does not appear from the records in the
possession of the Commission that she has ever been enrolled by the
Choctaw tribal authorities as a member of the Choctaw tribe, or ad-
mitted to Choctaw citizenship by a duly constituted court or com-

mitted of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 381).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Caroline Slater as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

AUG 8 1907

COPY

M.C.B. 2759

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McHarvey & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Slater, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Caroline Slater as such should therefore be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.
Acting Chairman.

COPY

Muskogee, Indian Territory, December 3, 1902,

Caroline Slater,

Columbus, Mississippi.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Slater, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Caroline Slater as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Caroline Slater

case, together with such arguments, will be forwarded for review
to the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

(SIGNED)

Tarns Birby
Acting Chairman

Registered,

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Caroline Slater, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

I. B. Needles.

COMMISSIONER IN CHARGE.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2759.

D.C. 7643-1903

ITD. 1720-1903.
LRS

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON,

EAF

March 16, 1903.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification of Caroline Slater as a Mississippi Choctaw, including your decision of December 3, 1902, refusing the application.

The applicant claims to be a descendant of one Washington Martin, alleged to have been a Choctaw Indian of the full blood.

You found that the applicant was born of a slave mother and was herself a slave, and held that no freedman is entitled to identification as a Mississippi Choctaw.

The Acting Commissioner of Indian Affairs reports February 13, 1903, that the records of the Indian Office fail to show that Washington Martin complied or attempted to comply with article 14 of the treaty of September 27, 1830, and recommends that your decision be approved.

Concurring in that recommendation, the Department affirms your

-3-

decision. Copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Land.
75,922-1902.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

Feb. 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Caroline Slater for identification as a Mississippi Choctaw.

The testimony in this case shows that the applicant bases her claim to identification as a Mississippi Choctaw because of her descent from Washington Martin. It also appears that this applicant was born of a slave mother prior to the Emancipation Proclamation, and was herself a slave.

The commission rejected the applicant because in its opinion, under the provisions of the Act of Congress of June 28, 1898, (30 Stats., 495), no freedman is entitled to identification as a Mississippi Choctaw.

The records of this office have been examined with reference to the name of Washington Martin, and it is discovered that his name does not appear among the names of these persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

-2-
This being the case, it is evident that the decision of the
commission rejecting the applicant was correct, and I concur in
that finding and recommend that it be approved.

Very respectfully,

(Signed) A G Tonner,

Acting Commissioner

(E.B.H.
P.

M.C.R. 2759

COPY.

Muskegee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application of Caroline Slater, for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

Tamc Bixby
Chairman.

COMMISSIONERS:
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2759

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.

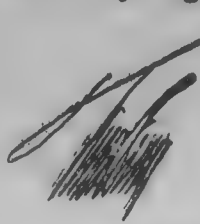
Caroline Slater,

Columbus, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903,
the Secretary of the Interior affirmed the decision of this Commis-
sion, refusing your application for identification as a Mississippi
Choctaw, of which decision you were advised by registered mail on
the 3rd day of December, 1902.

Respectfully,



Chairman.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

REFUSED

Caroline Slater

DECISION RENDERED, DEC 3 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 3 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 3 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 16 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 27 '903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

#1009

No

2001

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name Caroline Slater

Age 50 Blood $\frac{1}{2}$

Post Office, Columbus, Miss

Father: Washington Martin, d.

Mother: Mary Sandifer d.

Claims through father -

~~CLAIM~~

Claims for sep
alone -

Stenographer L. J. Miles.

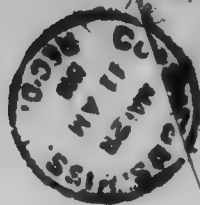
2759

REPORT OF THE
COMMISSION TO THE FIVE GREAT RIBES.

FILED

APR 22 1903

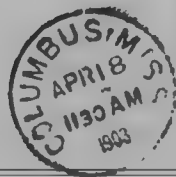
CHAIRMAN



MEK 4/19

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Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE IND. TER.

OFFICE BUSINESS.

Penalty for private use, \$300.



Caroline Alston

Columbus

Mies

Choctaw MCR 2760

Mary Bullock

MCR 2760

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Bullock, et al.,
for identification as Mississippi Choctaws, M.C.R. 2760.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Mary Bullock, et al., M.C.R.
2760.

	page
Original application of Mary Bullock, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Ex parte affidavit of Eliazah Alexander.....	4
Ex parte affidavit of Moss Johnson.....	5
Ex parte affidavit of James Helace.....	6
Decision of the Commission refusing the appli- cation of Mary Bullock, et al., for identification as Mississippi Choctaws.....	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 27th, 1901.

In the matter of the application of Mary Bullock for the identification of herself and three minor children as Mississippi Choctaws.

Said Mary Bullock, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Bullock.
Q What is your age? A About thirty-five or thirty-six.
Q What is your postoffice address? A Columbus, Mississippi.
Q Where were you born? A Born in Lemar County, Alabama.
Q How long did you live in Alabama? A Well, I don't really know how old I was when they came from Alabama to Mississippi, but I was a good size girl.
Q When you came to Mississippi, where did you go, what place in Mississippi? A Near Barton Ferry.
Q What County? A Lawrence County.
Q Have you lived in that place ever since? A Yes sir.
Q You never lived in any other states except Alabama and Mississippi? A No sir.
Q What is your father's name? A Joe Covington.
Q Is he living? A No sir.
Q Is your mother living or dead? A Dead.
Q What was her name? A Jane Hollis.
Q Through which one of these parents do you derive your Choctaw blood? A From my father.
Q How much do you claim? A I claim to be half, my mother said he was a full blood.
Q Was your father, through whom you claim your right to identification as a Mississippi Choctaw, ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A I don't know, sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Wesley Bullock.
Q What is his blood? A Negro.
Q Do you make any claim for him? A No sir.
Q Was your father a slave before the war? A No sir.
Q Was your mother a slave before the war? A Yes sir.
Q Were you? A I don't know anything about slavery. My mother belonged to Col. Hollis.
Q In Mississippi? A No sir, Alabama.
Q Were you born before the surrender? A I have been born since the surrender.
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q Give me the name of the eldest? A They are twins, Ophelia.
Q How old is she? A Eleven years old.
Q What is the name of the other? A Inez.
Q Both girls? A Yes sir.
Q How old? A Eleven years old.
Q The next? A Mattie L.
Q How old? A Three.
Q Is this all the children you have? A Yes sir, all I got living.

Mary Bullock et al---2

- Q Is Wesley Bullock the father of these children? A Yes sir.
- Q You the mother? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q Were you married to your husband under a license? A Yes sir.
- Q By an ordained Minister? A Yes sir.
- Q Is your name or the name of anyone of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation either for yourself or for your children? A No sir.
- Q Did you make application for citizenship in the Choctaw Nation in 1896, under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes in Indian Territory?
- A No sir.
- Q Were you ever admitted, either you or your children to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and children for either citizenship or membership in the Choctaw Nation either to the Choctaw Tribal authorities or to the United States authorities? A Yes sir.
- Q Do you now want to be identified, and your children, as Mississippi Choctaws? A Yes sir.
- Q Do you make this claim for identification, for yourself and children, under article 14 of the treaty of 1830? A Yes sir.
- Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q Can you give me the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were recognized members of the Choctaw Tribe of Indians in 1830 at the time when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians?
- A No sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States?
- A No, I don't know.
- Q Did any of your ancestors go from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory with the other Choctaw Indians between the years 1833 and 1836?
- A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Are there any additional statements you want to make in support of your application? A No sir, but I have some papers.
- Q You have documentary evidence, have you, that you would like to introduce now? A Yes sir.

There is offered in evidence the affidavit of Elijah Alexander, presented by applicant, received, filed, marked "Exhibit-A" and made a part of the records in this case. The affidavit of Mose Johnson, presented by applicant, received, marked "Exhibit-B", filed and made a part of the records in this case. The affidavit of James Holace, presented by applicant, marked "Exhibit-C", filed and made a part of the records in this case.

Mary Bullock et al--3

Q Have you anything further you want to present now? A No sir.
Q Would you like time in which to offer further documentary evidence? A Yes sir.

Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing within thirty days from the date hereof.

This applicant has the appearance of a person descended from a mixed ancestry of negro and Choctaw blood, in which the negro seems to predominate. Her hair is black, long and coarse, not curly. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 27th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 12th day of July, 1901, at Meridian, Mississippi.

[Signature]
Notary Public

1

COPY

*all
C. W.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Bullock, et al.,
for identification as Mississippi Choctaws, M. C. R. 2760.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Bullock for herself and her three minor children, Ophelia, Isaac and Mattie L. Bullock, under the following provision of the act of Congress approved June 22, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Joe Covington, who is alleged to have been a full blood Choctaw Indian.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe Covington signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Bullock, Ophelia Bullock, Inez Bullock and Mattie L. Bullock as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred
and thirty, and that the application for their identification as
such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jane Dixby

ACTING CHAIRMAN.

(SIGNED)

T. B. Needles

COMMISSIONER.

(SIGNED)

C. R. Breckinridge

COMMISSIONER.

Muskogee, Indian Territory,

DEC 5 1902

COPY.

M.C.R. 2700

Muskogee, Indian Territory, December 5, 1902.

Mary Bullock,

Columbus, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Bullock, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Bullock, Ophelia Bullock, Inez Bullock and Mattie L. Bullock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Mary Bullock-S

case, together with such arguments, will be forwarded for review
to the Secretary of the Interior through the Commissioner of
Indian Affairs.

Respectfully,

SIGNED: *James D. Kirby*

Acting Chairman.

Registered.

COPY

M.C.R. 2769

Muskogee, Indian Territory, December 5, 1902.

Manufield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Bullock, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Bullock, Ophelia Bullock, Ines Bullock and Mattie L. Bullock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

Tams Dixby.

Acting Chairman.

COPY.

Maskogee, Indian Territory. December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Bullock, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc.: M.C.R.2760.

James Bird
Acting Chairman.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

Land
76257-1902.

February 27, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Mary Bullock, for herself and her three minor children, Ophelia, Inez, and Mattie L. Bullock, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claims to identification under this application, on their descent from Joe Covington, father of the principal applicant, it being claimed that Joe Covington was a Choctaw Indian.

The Commission rejected the applicants December 5, 1902, because the name of their ancestor through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants them-

selves had never been enrolled as citizens of the Choctaw Nation. As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in 1830, the office has been unable to make an examination of its records, as to whether they had such an ancestor, and therefore the only examination it was able to make in this case was with reference to the principal applicant's father, Joe Covington, who they do not claim was a resident of the Choctaw Nation in 1830, and complied with the provisions of the Choctaw treaty of that date, and whose name does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants hereto, be approved.

Very respectfully,

(signed) A.C. Tonner,

Acting Commissioner.

C.T.C.(E.)

DEPARTMENT OF THE INTERIOR.
WASHINGTON,

FHE

D C 9134
I T D 2482-1903.

March 30, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 22, 1903, you transmitted the record in
the case involving the application for identification as

Mississippi Choctaws of Mary Bullock (M C R 2760) for herself
and her three minor children, Ophelia, Inez, and Mattie L.
Bullock, including your decision of December 5, 1902, refus-
ing to identify them as such.

The applicants claim rights in Choctaw lands under
article 14 of the treaty of September 27, 1830, by reason of
being descendants of Joe Covington, who is alleged to have
been a full blood Choctaw Indian.

The records fail to show that the applicants were
ever admitted or enrolled as members of the Choctaw tribe of
Indians, or that their alleged ancestor ever complied or
attempted to comply with said article 14 of the treaty of
1830, or with the subsequent acts relating thereto.

Reporting in the matter February 27, 1903, the
Acting Commissioner of Indian Affairs recommends that your
decision be approved. A copy of his letter is inclosed.

The department finds no reason to disturb your
decision and it is hereby affirmed.

Respectfully,

(signed) THOS. HEAR

1 inclosure.

Acting Secretary.

M.C.R. 2760

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Bullock, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

X.O.R. 2760

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES: Muskogee, Indian Territory, April 7, 1903.

Mary Bullock,

Columbus, Mississippi.

Dear Madam:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Bullock, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

#1010

No

2111

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name Mary Bullock

Age 35 - Blood $1/2$

Post Office, Columbus, Miss

Father: ~~Charles~~ ^{Joe} Covington, d

Mother: Jane Neallis d

Claims through father
Husband ^{negro}
Wesley Bullock,

No claim for husband

Children:

Ophelia - 11 }
Drez - 11 }
Mattie L. - 3 }

Claims for self
& children

Stenographer L. S. Niles

Mary Bullock et al

REFUSED

DECISION RENDERED. DEC 5 1902

NOTICE OF DECISION MAILED APPLICANT. DEC 5 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 5 1902

RECORD FORWARDED DEPARTMENT. DEC 9 2 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 30 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

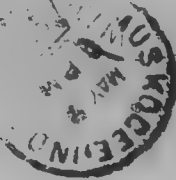
APR 7 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 7 1903

DECISION PREPARED

2760



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 9 1903

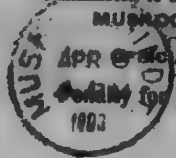
CHAIRMAN

6000

Unclaimed.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, OKLA., ETC.



Postage for private use \$3.00.



~~Mary Bullock~~
~~Columbus, Mississippi.~~



Choctaw MCR 2761

Chester Commons.

MCR 2761

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chester Commons for
identification as a Mississippi Choctaw, M.U.R. 2761.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

	page
Original application of Chester Commons to the Dawes Commission for identification as a Mississippi Choctaw,.....	1
Decision of the Commission refusing the application of Chester Commons for identification as a Mississippi Choctaw,.....	4

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of Chester Commons
for identification as a Mississippi Choctaw.

Chester Commons, having been first duly sworn, upon his
oath states as follows:

Examination by the Commission.

- Q What is your name? A Chester Commons.
Q What is your age? A Twenty nine.
Q What is your post office address? A West Point, Mississippi.
Q What county? A Clay County.
Q How long have you lived in the State of Mississippi? A Two years and five months.
Q Where did you come from? A McNairy County, Tennessee; it is the County Seat.
Q How long did you live in that county in Tennessee? A As near as I can recollect, seven years.
Q Where did you live before that? A My native home is Alabama.
Q Where did you live before you went to McNairy County, Tennessee?
A I was following the water course before I come to that country, in the United States Navy service.
Q How long were you in the Navy? A Eighteen months.
Q Where? A Portsmouth, Brooklyn.
Q Where did you live before you went into the navy? A Meriton, Tennessee.
Q How long did you live there? A Eighteen months.
Q Where did you live before you went there? A Hayneville, Alabama.
Q How long did you live there? A About a year before I went away.
Q Where did you live before you went there? A Brooklyn, New York.
Q How long did you live there? A Six years.
Q Where did you live before that? A My native home; I lived at Hayneville, Alabama; I was merely a boy and went to Brooklyn.
Q You was born at Hayneville? A Yes sir.
Q Lived how long? A Until I was ten years of age.
Q Then went to Brooklyn? A Yes sir.
Q Is your father living? A According to the best of my knowledge he is; yes sir; he was last year.
Q What was his name? A James Allison.
Q Where does he live? A Hayneville, Alabama.
Q Is your other living? A No sir.
Q What was her name? A Eliza Commons.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Your father has no Choctaw blood? A No sir.
Q What was he? A White man.
Q What proportion of Choctaw blood do you claim to have? A 1/4.
Q Your mother was half Choctaw? A Yes sir.
Q Did she speak the Choctaw language? A Not according to my knowledge.
Q Do you speak the Choctaw language? A No sir.
Q What was the other half of her blood? A Colored.
Q Was your mother a slave? A No sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out in Indian Territory by

Chester Commons, #2.

the Choctaw authorities or the United States authorities? A Not according to my knowledge, she wasn't.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Frances Commons.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her then? A No sir.

Q Were your mother's father or mother, either of them, slaves? A No sir.

Q All free people? A Yes sir.

Q Have you any children? A No sir.

Q This application then is for yourself alone? A Yes sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe? A No sir.

Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time either to the Choctaw tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q This is the first application of any description? A Yes sir.

Q Do you now desire to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your rights as a beneficiary under the 14th article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefit as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir, not according to my knowledge.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know sir; I can't say for certain.

Q Did your mother ever live in Mississippi? A No sir.

Q Through which one of her parents did she get her Choctaw blood? A Her mother.

Q Did her mother ever live in Mississippi? A No sir.

Q How old a woman was your mother when she died? A As near as I can recollect she was thirty-five.

Q When did she die? A 1861, December 1861.

Q Do you know whether your great grand parents on your mother's side ever lived in Mississippi? A No sir, I don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in the old Choctaw Nation here in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir.

Q You have no evidence that they were? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I can't say that they did.

- Chester Commons, et al., #3.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of the Treaty of Dancing rabbit Creek, or ever received any benefits thereunder? A No sir.

Q Do you want permission to file some later? A Yes sir.

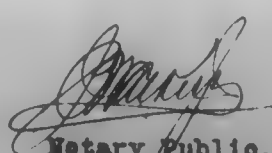
Permission is granted to the applicant to file proper documentary evidence in thirty days from this date.

(This applicant has the appearance of being possessed of as much Indian blood as is claimed by him, though he does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

R. S. Streit

Notary Public.

J.W.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chester Commons for
identification as a Mississippi Choctaw, H.C.R. 2701.

D E C I S I O N .

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Chester Commons, under the following provision of the act of Congress approved June 25, 1898, (30 Stat., 463):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application and from the records in the possession of the Commission it does not appear that the applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the

Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

The record herein shows that the applicant is too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote ancestor through whom he claims than his mother, who, according to the testimony, was thirty-five years of age at the date of her death, which occurred December 18, 1881, and could not therefore have been living in eighteen hundred and thirty. The record shows that the applicant is ignorant of the names of any of his ancestors other than his mother; although he has had more than a year in which to secure evidence tending to show who said ancestors were, he has not offered to submit such additional proof.

The evidence being insufficient to determine the identity of Chester Commons as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

1902

James D. Smith

Acting Chairman.

I. D. Woodlee

Commissioner.

Muskogee, Indian Territory,

DEC 3 1902

C. B. Drockinridge

Commissioner.

COPY.

Muskogee, Indian Territory, December, 3, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Chester Commons, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Chester Commons as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Birby.
Acting Chairman.

M.C.R. 2761.

COPY.

Muskogee, Indian Territory, December 3, 1902.

Chester Commons,

West Point, Mississippi.

Dear Sir:-

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Chester Commons, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Chester Commons as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

C.C. #2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 19, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Chester Commons, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 3, 1908.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Very truly,
Yours,

T. B. Neillies.

COMMISSIONER IN CHARGE.

~~Acting Chairman~~

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2761.

D.C. 6802.

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD. 1574-1903.
L R S

March 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification of Chester Common as a ^{Chootaw,} Mississippi including your decision of December 3, 1902, denying the application.

The applicant is unable to give the name of any one of his ancestors except that of his mother, Eliza Commons, alleged to have been a half blood Chootaw Indian, and to have been 35 years of age in 1881, when she died.

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,
Acting Secretary

1 inclosure.

Land
75915-1902.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, February 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw of Chester Commons, wherein a decision adverse to the applicant was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that the applicant is unable to say that his ancestors were residents of the Choctaw Nation in Mississippi or Alabama in 1830, or that they were recognized as members of the tribe, or that they were beneficiaries under the provisions of the 14th article of the treaty of 1830. He gives the name of his mother as Eliza Commons.

The Commission bases its decision rejecting this applicant on the ground that the evidence is insufficient to determine the identity of Chester Commons as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830.

The office recommends that the decision of the Commission rejecting this applicant be approved, it having examined its records with reference to the name of Eliza Commons and having found that it is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

E.B.H. H'r
3 enclosures.

Very respectfully,
A.C. Tonner, Acting Commissioner.

M. C. R. 2761

Muskogee, Indian Territory, March 19, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application of Chester Commons, for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

Tams Bixby.
Chairman.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2761

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1903.

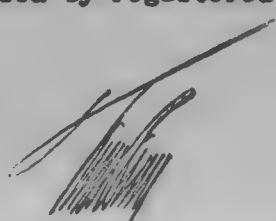
Chester Commons,

West Point, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,



Chairman.

#1011

No

2671

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name *Chester Commons*

Age *29* Blood *1/4*

Post Office, *West Point, Miss.*

Father: *James Allison* L

Mother: *Eliza Commons* d

Claims through mother
~~wife~~ *Frances Commons* L
(no claim for wife)

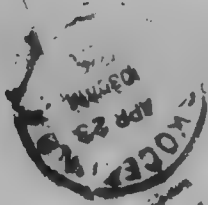
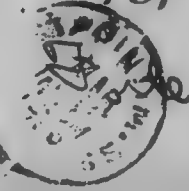
(Claims for self only)

~~Children~~

Stenographer

R. S. Strick

2761



TO THE FOL. CIVILIZED TRIBES.
FILED
APR 24 1903

[Handwritten signature]

CHAIRMAN

NOB

TO
WRITER

RETURN
TO
WRITER
UNCLAIMED

TO
WRITER

RETURN
TO
WRITER

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TEN.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MISSISSIPPI
JUN 28 1887
P.M.

Chester Commons,
West Point, Mississippi

RETURN
TO
WRITER

TO
WRITER

REFUSED

Chester Commons

DECISION RENDERED DEC 3 1902

NOTICE OF DECISION MAILED APPLICANT.

12761 DEC 3 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 3 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 7 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 19 1903

Commission to the ...

FILED

JAN 20 1903



ACTING CHAIRMAN

REGISTERED
JAN 20 1903
MOORE, INDIAN TER

ACTING CHAIRMAN

JAN 20 1903

REGISTERED
JAN 20 1903
SKOGEE, IND. TEL.

#57
REGISTERED
JAN 16 1903

WEST POINT, MISS.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

4617

Chester Commons,

West Point, Mississippi.



Choctaw MCR 2762

Sarah Ann Hill

MCR 2762

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Ann Hill, et al.,
for identification as Mississippi Choctaws, M.C.R. 2762.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Sarah Ann Hill et al.,

	(Page)
Original application of Sarah Ann Hill, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission refusing the application of Sarah Ann Hill, et al., for identification as Mississippi Choctaws.....	4

Department of the Interior,
Commission, to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of Sarah Ann Hill for
the identification of herself and one minor child as Mississippi
Choctaws.

Sarah Ann Hill, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah Ann Hill.
Q What is your age? A Fifty eight years old.
Q What is your post office address? A West Point, Mississippi, Clay
County.
Q How long have you lived in Mississippi? A About twenty years.
Q Where did you live before you came to Mississippi? A Alabama.
Q What part of Alabama? A Sumter County.
Q How long did you live in Sumter County? A When we moved to Sum-
ter County, I was about two years old.
Q Where did you live before you came to Sumter County? A Clark
County.
Q Alabama? A Yes sir.
Q You were born there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Nimrod Hill.
Q Is your mother living? A No sir.
Q What was her name? A Minnie.
Q Through which one of your parents do you derive your Choctaw
blood? A Father.
Q Your mother had no Choctaw blood? A No sir.
Q Was your mother a ~~slave~~ slave? A Yes sir.
Q And your father a slave? A Yes sir.
Q And you were a slave? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A $1/3$. I
claim a $1/3$ and my father a half.
Q Your mother had no Choctaw blood? A No sir.
Q And your father had a half? A Yes sir.
Q That would make you a $1/4$ instead of a $1/3$? A No sir, a $1/3$ and
my children would be a third.
Q Where was your father born? A I don't know.
Q Did he live in Mississippi before he moved with you to
Sumter County? A I don't know.
Q Was your father ever recognized in any manner or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal
authorities in Indian Territory or the United States authorities?
A No more than he was just half Indian, is all I know.
Q Well, he never lived out in Indian Territory? A No sir, he was
a slave.
Q Were your father and mother married? A No sir, I don't know, I
guess not; that was in slavery times.
Q Are you married? A No sir, my husband's dead.
Q What was his name? A Love.
Q Love what? A Jordan.
Q Was he a negro? A Yes sir.

Sarah Ann Hill, et al., #2.

Q Have you any children under twenty one years of age and unmarried? A No sir, I have got one boy twenty one years old.

Q I asked you if you had any under twenty one years of age and unmarried? A One.

Q What is it name and age? A Thirteen years old, and its a girl named Lillie.

Q You call her Lillie Hill A Yes sir.

Q Her father's name is what? A Jordan.

Q Were you married to him? A No sir.

Q This application then is for yourself and one minor child? A Yes sir.

Q Is your name, or the name of this child to be found upon any of the Choctaw tribal rolls in Indian Territory? A No more than what you --

Q I want to know whether your name, or Lillie's name is on any of the rolls out in the Choctaw Nation? A No sir.

Q Did you ever make application to the Choctaw tribal authorities out in Indian Territory for yourself or this child to be enrolled as members of the tribe? A No sir.

Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or this minor child? A No sir.

Q Have you or this minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time either to the Choctaw tribal authorities or to the United States authorities for yourself or this child to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any kind you have made? A Yes sir.

Q You now desire to make application for the identification of yourself and child as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A No sir.

Q You have no evidence that they were? A No sir.

Q Were any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek signify to the United States

Sarah Ann Hill, et al., #3.

Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know about that.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty, or ever received any benefits thereunder? A No.

Permission is granted to this applicant to file any proper documentary evidence in support of her application, within a period of thirty days from the date hereof.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and one minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

(R. S. Streit)

Notary Public.

Ref. to
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Ann Hill, et al.,
for identification as Mississippi Choctaws, H.C.R. 2762.

--: D E C I S I O N :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Sarah Ann Hill for herself and her minor child, Lillie Hill, under
the following provision of the act of Congress approved June 26,
1890 (26 Stats., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears from the testimony that the principal
applicant herein was born of a slave mother, prior to the Emancipa-
tion Proclamation, and was herself a slave and that the minor
applicant herein is her lineal descendant; and it does not appear
from the records in the possession of the Commission that either of
the applicants herein has ever been enrolled by the Choctaw tribal

authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 382).

It is the opinion of this Commission that under the provision of law above quoted, no freedom is entitled to identification as a Mississippi Choctaw, and that the applications of Sarah Ann Hill and Lillie Hill as such should, therefore, be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Lewis Birby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT -8 1902

Waukegan, Indian Territory, October 2, 1902.

Sarah Ann Hill,

West Point, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Ann Hill, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Sarah Ann Hill and Lillie Hill as such should, therefore, be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

2
S A M S

Interior for review and you will be informed in due time of such
action as may be taken by him.

Respectfully,

(SIGNED)

James B. [unclear]

Registrar

Acting Chairman

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sarah Ann Hill, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 8, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

I enclose.

Muskogee, Indian Territory, October 8, 1902.

Mansfield, McFarrey & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Ann Hill, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 20, 1890, [40 Stats. 498] which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Sarah Ann Hill and Lillie Hill as such should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

N. W. & O. 2

Interior and you will be informed in due time of such action
as may be taken by him.

Respectfully,

(SIGNED)

Tammie D. Dyer

Acting Chairman

D.C.No.4605.

(COPY)
DEPARTMENT OF THE INTERIOR.
Washington.

RAF.

ITD.1132-1903.

February 14, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

October 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sarah Ann Hill and her minor child, Lillie Hill, including your decision of October 8, 1902, adverse to the applicants.

It appears that the applicants base their claims to identification upon their descent from one Nimrod Hill, father of the principal applicant, an alleged half blood Choctaw Indian.

It is stated in your decision that the principal applicant was born of a slave mother prior to the Emancipation Proclamation, and was herself a slave, and you held that "no freedman is entitled to identification as a Mississippi Choctaw."

Reporting January 31, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office do not show that Nimrod Hill complied or attempted to comply with article 14 of the treaty of September 27, 1830, and he recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(C O P Y)

Land
66210-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

January 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sarah Ann Hill for herself and child Lillie Hill, wherein a decision adverse to their claims was rendered by the Commission October 8, 1902.

It is shown by the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from one Nimrod Hill, father of the principal applicant.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Nimrod Hill or the applicants themselves, ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

It appears from the testimony in this case that

the only witness was the principal applicant herself, and she was unable to give the names of her ancestors any further back than her parents, she claiming through her father, Nimrod Hill, a slave, whom she states was a half blood Choctaw Indian. She further states that her ancestors did not receive benefits under the 14th article of the treaty of 1830, and were not recognized members of the Choctaw tribe in 1830, and hence there was no basis for this application.

An examination of the records of this office discloses the fact that the name of Nimrod Hill is not among the names of those Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

E.B.H. H'r.

M.C.K. 2752.

COPY.

Muskogee, Indian Territory, February 26, 1903.

Mansfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Ann Hill, et al., of which decision you were advised by mail on the 8th day of October, 1902.

Respectfully,

Lennie Dwyer
Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2762.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

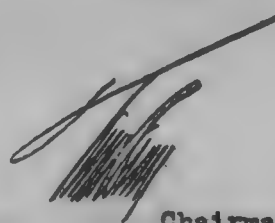
Muskogee, Indian Territory, February 26, 1903.

Sarah Ann Hill,
West Point, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Ann Hill, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,



Chairman.

41012

No. 2762

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name

Sarah Ann Hill

Age

58

Blood (1/4) claims 4/3

Post Office,

West Point, Miss.

Father:

Nimrod Hill 1/2 d

Mother:

Minnie " d

Claims through

Father
husband Lorr Jordan (dead)
(negro)

Children:

Lillie Hill 13

(Claims for self and minor
child.)

Stenographer

R. S. Street.

Sarah Ann Hill et al

R276 **REFUSED**

DECISION RENDERED. OCT 8 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT - 8 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT - 8 1902

RECORD FORWARDED DEPARTMENT.

OCT - 8 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 26 1903

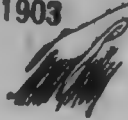
2762

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 11 1903



-C. C. C.

MCR 2762

UNLIMITED

Department of the Interior.

Comptroller of the Public Lands, Washington, D. C.

MUSKOGEE INDIAN TERRITORY

MUSKOGEE INDIAN TERRITORY



Handwritten address: *Stell*
Point
Miss

Postage stamps and cancellation marks:

- TO WRITER
- RETURN TO WRITER
- RETURN TO WRITER

Choctaw MCR 2763

John Bruce

MCR 2763

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of John Bruce, et al.,
for identification as Mississippi Choctaws, M. C. R. 2763.

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List of papers forwarded to the Secretary of the Interior, comprising the record in the case of John Bruce, et al., M. C. R. 2763.

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Affidavit of Robert Hamill, - - - - -	5
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Decision of the Commission refusing the appli- cation of John Bruce, et al., for identification as Mississippi Choctaws, - - - - -	7

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of John Bruce for the
identification of himself and one child as Mississippi Choctaws.

John Bruce, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A John Bruce.
Q What is your age? A I don't know exactly.
Q About how old? A I think I am about forty six. have no
Q What is your post office address? A I don't know, certain
place; get my mail at Tuscaloosa, Alabama, in care of the City Clerk.
Q How long have you lived in Alabama? A Born there.
Q How long have you lived here? A All my life.
Q Is your father living? A No sir; he is dead.
Q What was his name? A Bill Bruce.
Q Is your mother living? A Yes sir.
Q What is her name? A Eliza Walker.
Q Through which one of your parents do you derive your Choctaw
blood? A On both sides.
Q Your father and mother? A Yes sir.
Q What proportion of Choctaw blood did your father have? A I don't
know sir, exactly.
Q About how much? A He claims to have three fourths, and my
mother claims to be half.
Q What do you claim to have? A That makes me about 5/8.
Q Are you willing to swear positively that you are possessed of
5/8 Choctaw blood? A Yes sir.
Q Yet, you say you don't know how much your father had? A No more
than just what she tells me; he died when I was small.
Q Was your mother a slave? A yes sir.
Q Were you a slave? A yes sir.
Q Was your father a slave? A Yes sir, my father was sold twice; he
belonged to a man by the name of Bruce in Greenboro.
Q Were either of your parents, ever recognized in any manner or
enrolled as members of the Choctaw tribe of Indians by the Choctaw
tribal authorities in Indian Territory or the United States authori-
ties? A My mother, she was North Carolina bred, and brought out to
this country, my father was raised in this country in Mississippi.
Q Do you think that answers my question? I asked you whether your
father or mother were ever recognized in any manner or enrolled as
members of the Choctaw tribe out in Indian Territory by the Choctaw
tribal authorities or the United States authorities? A I don't
know sir, exactly.
Q You speak of your mother coming from North Carolina? A Yes sir.
Q Did she always live in North Carolina until she moved to Alabama?
A Yes sir.
Q Did her parents live in North Carolina? A Yes sir.
Q All of her ancestors, so far as you know, lived in North Carolina?
A Yes sir.
Q Don't you know that the Choctaw Indians never lived in North
Carolina at all? A No sir, I didn't.

John Bruce, et al., #2.

- Q Is it not a fact that your mother was part Cherokee Indian instead of Choctaw? A She claims to be Choctaw.
- Q When did you discover that she had Choctaw blood? A She always claimed that.
- Q Where did your father live before he went to Alabama? A He was raised here in Mississippi and brought over in Alabama.
- Q What part of Mississippi? A I don't know, sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary Bruce.
- Q Has she any Choctaw blood? A Not as I know of.
- Q You make no claim for her? A No sir.
- Q What is she negro? A Yes sir.
- Q Have you any children? A One child.
- Q How old is it? A About four and a half years old.
- Q What is its name? A Rosa Bruce.
- Q That's all of your children? A Yes sir.
- Q Were you married to Mary under a license? A Yes sir.
- Q Who performed the ceremony? A A man by the name of Fluellen.
- Q What official position does he hold? A Preacher.
- Q Have you your marriage license and certificate with you at this time? A No sir.
- Q Do you want permission to file them? A Yes sir.

Permission is granted to the applicant to file proper evidence of his marriage to Rosa Bruce within a period of thirty days from the date hereof.

- Q This claim is for yourself and one child? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A My name?
- Q Yes sir? A I am named after my father.
- Q I asked you if your name was to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe? A No sir, have not.
- Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation ~~that~~ under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, have not.
- Q Have you ever made any application of any description prior to this time either to the Choctaw tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q This is the first application of any kind you ever made? A Yes sir.
- Q You now desire to make application for the identification of yourself and this minor child as Mississippi Choctaws? A Yes sir.
- Q Do you claim your rights as beneficiaries under Article Fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Have you ever received any benefits as a Choctaw Indian? A No sir.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

John Bruce, et al., #3.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q You don't know whether any of them were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q You have no evidence that they were? A No sir; that's what my mother said.

Q Well, she never told you that they were recognized members of the Choctaw tribe here at that time did she? A No sir.

Q What did you mean by making that answer then, did you understand the question? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, not that I know of.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws their intention to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir, no more than what I have told you.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty, or ever received any benefits thereunder? A No sir.

L.P. Hudson, attorney for applicant, asks leave to file documentary evidence in support of this application within thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence, in support of this application, within a period of thirty days from the date hereof.

(This applicant has the appearance of being a negro, and shows slight indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

The decision of the Commission as to the application you make for the identification of yourself and child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

John Bruce, et al., vs.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 26th day of July, 1901.


Notary Public.

Cui.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Bruce, et al.
for identification as Mississippi Choctaw, M.C.R. 2743.

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaw was made to this Commission by John Bruce for himself and his minor child, Rosa Bruce, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Bill (or William) Bruce, who is alleged to have been a three quarter blood Choctaw, and Miss Bruce (or Walker) who is alleged to have been a half blood Choctaw.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (30 Stats. 321).

It does not appear from the testimony offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bill (or William) Bruce, or Eliza Bruce (or Walker) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Bruce and Rosa Bruce, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

application for their identification as such should be refused,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Jams Dixby.

Acting Chairman

T. B. Needles.

Commissioner

C. H. Breckinridge.

Commissioner

Muskogee, Indian Territory

DEC 18 1907

Muskogee, Indian Territory, December 18, 1902.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John Bruce, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Bruce and Rosa Bruce, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, (SIGNED)

Tamc Dixby
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 18, 1902.

John Bruce,

Tuscaloosa, Alabama.

Dear Sir:-

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John Bruce, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Bruce and Rea Bruce, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

J. B., 2.

case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tamie Pickett
Acting Chairman.

Registered.

COPY.

Waskagee, Indian Territory, January 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John Bruce, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 18, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc.: M.O.R.2763.

D.C.8304-1903.
I.T.D.2182-1903.
L.R.S.

C O P Y.
W.H.R.

DEPARTMENT OF THE INTERIOR
Washington.

March 21, 1903.

The Commission
to the Five Civilized Tribes
Muskogee, Indian Territory.

Gentlemen:

January 3, 1903, you transmitted the record in the matter of the application of John Bruce, for the identification of himself and minor child, Rosa Bruce, (M.C.R.2763), as Mississippi Choctaws, including your decision under date of December 18, 1902, adverse to the applicants.

The principal applicant, John Bruce, a five-eighths blood Choctaw, is the son of Bill Bruce and Eliza Walker, the former alleged to have been a three-fourths blood and the latter one-half blood Choctaw. Descent is claimed through both father and mother.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Bill (or William) Bruce or Eliza Walker, or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts

relating thereto.

Reporting in the matter February 21, 1903, the Acting Commissioner of Indian Affairs states:

Neither the record evidence nor an examination of the records of this office shows that any person by the name of Bill Bruce or Eliza Walker ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder. The record evidence does show that none of the applicants is a Choctaw Indian of the full blood.

By reason of the premises the office considers that said decision of the Commission is correct and recommends that it be affirmed by the Department.

The Department is of the opinion, from the testimony submitted, that the applicants have failed to establish their identity as Mississippi Choctaws entitled to rights under the provisions of said article and treaty, and in accordance with the Acting Commissioner's recommendation, a copy of whose report is inclosed, your decision is hereby affirmed.

Respectfully,

(Signed)

THOS RYAN,

Acting Secretary.

1 inclosure.

Land
1445-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of John Bruce for the identification of himself and his minor child, Rosa Bruce, as Mississippi Choctaws.

On December 18, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in lands of the Choctaw Nation under the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the record evidence shows that the principal applicant, John Bruce, claims to have inherited his Choctaw blood from both his father and mother, Bill Bruce and Eliza Walker. The record evidence further shows that both his father and mother were slaves, as well as himself.

Neither the record evidence nor an examination of the records of this office shows that any person by the name of Bill Bruce or Eliza Walker ever complied or attempted to

comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder. The record evidence does show that none of the applicants is a Choctaw Indian of the full blood.

By reason of the premises the office considers that said decision of the Commission is correct and recommends that it be affirmed by the Department.

Very respectfully,

(Signed)

A. C. TONNER,

Acting Commissioner.

W.C.B.(S)

H.C.R. 2763

COPY.

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Bruce, et al., of which decision you were advised by mail on the 18th day of December, 1902.

Respectfully,

Tamm

Chairman.

Wm CB

COMMISSIONERS.

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2763

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES


Muskogee, Indian Territory, March 30, 1903.

John Bruce,
Tuscaloosa, Alabama.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903,
the Secretary of the Interior affirmed the decision of this Commis-
sion refusing the application for identification as Mississippi
Choctaws of the several persons included in the case of John Bruce,
et al., of which decision you were advised by registered mail on
the 18th day of December, 1902.

Respectfully,

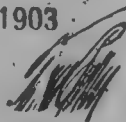


Chairman.

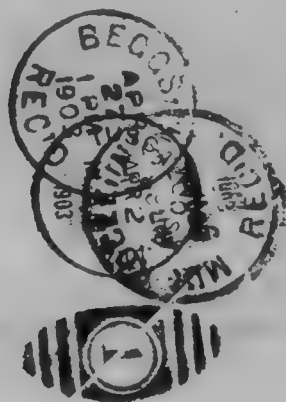
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 30 1903



CHAIRMAN



2763

REFUSED

John Bruce et al.

DECISION RENDERED. DEC 18 1902

NOTICE OF DECISION MAILED APPLICANT.

18-2763

DEC 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 18 1902

RECORD FORWARDED DEPARTMENT.

JAN 3 - 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 30 1903

#1013

No. 2. 1881

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name John Bruce

Age 46

Blood $\frac{5}{8}$

Post Office, Tuscaloosa Ala

Father: Bill Bruce $\frac{3}{4}$ d

Mother: Eliza Walker $\frac{1}{2}$ L

Claims through both parents
wife Mary Bruce (negro)
(No claim for wife)

Children:

Rosa Bruce $\frac{4}{2}$

• (Claims for self and
one child)

Stenographer

R. I. Street

Choctaw MCR 2764

Jerry Hall

MCR 2764

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of Jerry Hall, et al.,
for identification as Mississippi Choctaws, M. C. R. 2764.

INDEX

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Jerry Hall, et al., M.C.R. 2764.

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Original application of Jerry Hall, et al., before the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Decision of the Commission refusing the application of Jerry Hall, et al., for identification as Mississippi Choctaws, - - - - -	5

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of Jerry Hall for the identification of himself and three minor children as Mississippi Choctaws.

Jerry Hall, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jerry Hall
- Q What is your age? A I am seventy two or seventy three.
- Q What is your post office address? A I came from South Carolina.
- Q What is your post office address; where do you get your mail? A Meridian, Mississippi.
- Q What county? A Lauderdale.
- Q How long have you lived in the State of Mississippi? A I have been here - I came here - ever since - when I came here there wasn't but that one building.
- Q How long have you been here? A I have been living here about between forty or fifty years.
- Q Came before the Civil War? A Yes sir.
- Q How long before that war? I reckon about twenty or twenty five years.
- Q You were a slave, were you? A Yes sir.
- Q Whom did you belong to? A Old man McBaugh.
- Q Where did you come from? A Charleston, South Carolina.
- Q How long did you live in South Carolina? A I was bred and born there.
- Q Did your father and mother live there all of their lives? A Yes sir. They got broke, and they shipped me off to pay a debt.
- Q All of your ancestors always lived in South Carolina? A Yes sir; always there.
- Q How long have you known that you had Choctaw blood? A When I got just about that size; I played with my daddy many of times.
- Q That's when you discovered you had Choctaw blood? A Yes sir.
- Q You are sure it wasn't Cherokee blood you had? A No sir.
- Q Is your father living? A I don't know whether he is living or not; I haven't seen him since I been here.
- Q What was his name? A Jerry.
- Q Jerry what? A Meyer.
- Q He was a slave? A Yes sir.
- Q Is your mother living? A No sir; she's dead, died when I was - before I started off.
- Q What was her name? A Nancy Meyer, yes sir.
- Q Through which one of your parents do you derive Choctaw blood?
- Q From father.
- Q How much Choctaw blood do you claim to have? A Well, I - I - he is whole Indian, and now my mother just one half -
- Q What would that make you? A I couldn't hardly tell you, cause I aint --
- Q What kind of an Indian was your mother? A She was of the Choctaw blood.
- Q You are sure she wasn't Cherokee? A No sir.
- Q And you claim your father was a full blood Choctaw Indian? A Yes sir.

Jerry Hall, et al., #2.

Q And yet you say he was a slave? A Yes sir, just stayed there.

Q You can't say how much Choctaw blood you have? A No sir, I can't.

Q Do you speak or understand the Choctaw language? A I used to could, but I got so now I can't.

Q How long has it been since you could speak the Choctaw language?

A I used to all the time.

Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory by the Choctaw authorities or the United States authorities?

A No sir.

Q Were they ever recognized or enrolled out there? A They have been around down there where there were plenty of them, but they never have been down there.

Q Have they ever been recognized or enrolled as members of the Choctaw tribe? A Oh! yes, they have.

Q Do you know what that means? A No sir.

Q What did you say they had for them? A I just wanted to get the depth of it.

Q Neither your father nor your mother lived out in the Choctaw Nation, Indian Territory, did they? A No sir, never have been there.

Q They never were recognized or enrolled as out there as members of the tribe? A No sir.

Q You were mistaken a while ago when you said they were? A Yes sir, I can't hear good.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Mandy Hall.

Q Is she a Choctaw Indian? A No sir.

Q What is she? A She is just colored people, black people - I call them Africa.

Q Commonly known as a negro? A Yes sir.

Q You make no claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried? A Yes.

Q How many? A I have got four that are not married. The rest of them are all married.

Q How old is the oldest one of these four children? A About fifteen or sixteen.

Q The oldest one? A The youngest one, I am talking about.

Q I asked you about the oldest one. I want to know how many children you have under twenty one years of age and unmarried?

A Two boys and one girl.

Q What are the names and ages of these children? A Mary, Clinton and Cliff.

Q How old is Mary? A Eighteen.

Q How old is Clinton? A About fifteen.

Q How old is Cliff? A About fifteen.

Q He is older than Clinton? A Yes sir.

Q These three are the only children in your family who are under twenty one years of age and unmarried? A Yes sir, that's all.

Q This application is for yourself and three minor children? A Yes sir.

Q Were you married under a license to your wife, Mandy? A Oh! yes sir.

Q Is she the mother of all these children? A Yes sir, of every one.

Jerry Hall, et al. #3.

Q You are the father of all of them? A Every one of them; the oldest ones and all.

Q How long have you been married to Mandy? A I have been married since the second day after the surrender.

Q You were married under a license? A Yes sir, with license.

Q Where did you get your license? A Out of the office of a man, Mr. Brown.

Q Where in Kemper County? A

Q Kemper County, Mississippi? A No sir, up in Oktibbeha; we used to live down here.

Q Have you your marriage license and certificate with you here at this time? A No sir, I aint got them.

Permission is granted to the applicant to file proper evidence of his marriage to his wife, Mandy, within thirty days from the date hereof.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application for yourself or any of these children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the tribe? A No sir.

Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?

A No sir.

Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time for yourself or any of these children to be admitted or enrolled as citizens of the Choctaw Nation? A Never have.

Q This is the first application of any description you have ever made? A Yes sir.

Q You now desire to make application for the identification of yourself and three children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian?

A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A No sir.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made?

A No sir.

Q You have no evidence that they were, any of them? A No sir.

Q You have no evidence, I say, that any of your ancestors were in 1830, when this Treaty was made, recognized members of the Choctaw tribe of Indians, have you? A Yes sir, I have.

Jerry Hall, et al., #4.

Q What evidence have you? A I have - I misunderstood you.
Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
Q Did any of your ancestors, within six months after the ratification of the Treaty of 1830, signify to the United States Indian Agent of the Choctaws in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir.
Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did you ever claim or receive any land in Mississippi as a beneficiary under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did any one in your behalf, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws in Mississippi, your intention to remain in Mississippi and become a citizen of the States? A No sir.
Q Are there any additional statements you desire to make at this time in support of your application? A No sir.
Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty or ever received any benefits thereunder? A No sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28th, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

R. S. Streit
[Signature]
Notary Public.

*G. A. L.
C. W.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jerry Hall, et al.,
for identification as Mississippi Choctaws, M. C. R. 2964.

D E C I S I O N .

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Jerry Hall for himself and his three minor children, Mary,
Clinton and Cliff Hall, under the following provision of the act
of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other
acts necessary thereto and make report to the Secretary of
the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descend-
ants of Jerry Meyer, who is alleged to have been a full-blood
Choctaw Indian, and Nancy Meyer, who is alleged to have been an
one-half blood Choctaw Indian.

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It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder, that the said Jerry Meyer or Nancy Meyer signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Hall, Mary Hall, Clinton Hall and Cliff Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty, and
that the application for their identification as such should be re-
fused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Acting Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

L.C.R. 2764

COPY.

Waskagee, Indian Territory, October 31, 1902.

Jerry Hall,

Meridian, Mississippi.

Dear Sir:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jerry Hall, et al., applicants for identification in Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1908, (35 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Hall, Mary Hall, Clinton Hall and Cliff Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

J. H. ---2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Smith

Acting Chairman.

Registered.

A.C.R. 1001.

COPY.

Muskogee, Indian Territory, October 21, 1900.

Manfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 31st day of October, 1900, the Commission to the Five Civilized Tribes rendered a decision in the case of Jerry Hall, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior"

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jerry Hall, Mary Hall, Clinton Hall and Cliff Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M. M. & C. --2.

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James D. Smith

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Jerry Hall, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31st, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixey,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 2764.

D.C. 2883

C O P Y

DEPARTMENT OF THE INTERIOR.

EAF.

W A S H I N G T O N.

ITD. 2060-1903.
L R S

March 25, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaw, of Jerry Hall and his minor children, Mary, Clinton and Cliff Hall, including your decision of October 31, 1902, refusing the application.

The applicants claim to be descendants of Herry Meyer, alleged to have been a full blood Choctaw Indian, and Nancy Meyer, who is stated to have been a half blood Choctaw.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting February 19, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. Accepy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(SIGNED)

THOS. RYAN.
Acting Secretary.

1 inclosure.

C O P Y.

Land.
69,832-1902. Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Jerry Hall for the identification of himself and his three minor children, May, Clinton and Cliff Hall, as Mississippi Choctaws.

On October 31, 1902, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the record evidence shows that the principal applicant claims his rights under said article as a Mississippi Choctaw and derived his Choctaw blood from both his father and mother Jerry and Nancy Myer.

The record further shows that the principal applicant was a slave and is not of the full blood. Neither the record evidence nor the records in this office show or tend to show that either the said Jerry or Nancy Myer ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or received a patent for land thereunder.

-2-

By reason of the premises the office considers the decision of the commission herein is correct, and recommends that it be affirmed by the Department.

very respectfully,

Commissioner.

(W.C.B.)

P.

M.C.R. 2764

COPY.

Muskegee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen;

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Jerry Hall, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

Tamie Dixby.
Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2764

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 2, 1903.

Jerry Hall,
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903,
the Secretary of the Interior affirmed the decision of this Commis-
sion, refusing the application for identification as Mississippi
Choctaws, of the several persons included in the case of Jerry Hall,
et al., of which decision you were advised by registered mail on the
31st day of October, 1902.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

~~Chairman.~~

U. S. DEPT. OF THE INTERIOR,
BUREAU OF LANDS TO THE FIVE CIVILIZED TRIBES
FILED

JAN 2 1903

[Signature]
ACTING CHAIRMAN



NOV 11 1902



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed

Returned to writer

Jerry Hall,

Meridian,

Mississippi.

376

#1014

No

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name Jerry Hall

Age 73 Blood dont know

Post Office. Meridian, Miss

Father: Jerry meyer (full) (dont know)

Mother: Nancy " (1/2) d

Claims through father and mother
wife Mandy Hall (negro)

(Claims for self and 3
minor children)

Children:

Mary Hall	18
(Clinton "	15
(Cliff "	16

Stenographer

R. S. Street

REF 0017
Jerry Hall et al.

DECISION RENDERED. OCT 31 1902

NOTICE OF DECISION MAILED APPLICANT.

42

OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 2 1903

Choctaw MCR 2765

John Johnson

MCR 2765

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of John Johnson et al.,
For Identification as Mississippi Choctaws.

M. C. R. 2765.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of John Johnson et al.,
For Identification as Mississippi Choctaws.
M. C. R. 2765.

- - I N D E X . - -

Original application of John Johnson et al., for identification as Mississippi Choctaws.	1
Decision of the Commission identifying said applicants	6

2765

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of John Johnson for the identification of himself, his wife, and two minor children as Mississippi Choctaws.

John Johnson, having been first duly sworn, upon his oath states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John Johnson.
- Q How old are you? A About sixty five.
- Q What is your post office address? A Toles, Mississippi.
- Q What county? A Kemper.
- Q How long have you lived in Kemper County? A About three crops, I make this year.
- Q About three years? A Yes.
- Q Where did you live before you went to Kemper County? A Neshoba.
- Q How long did you live in Neshoba County? A All my life until I come to Kemper.
- Q Is your father living? A Left when I about so high and gone off; I don't know much about him.
- Q What was your father's name? A Johnson.
- Q Is that all? A I forget; his name is Johnson anyhow.
- Q Is your mother living? A Done dead; died last about eight years ago.
- Q What was your mother's name? A He named Maria.
- Q Was your mother a full blood Choctaw Indian? A Yes.
- Q Was your father a full blood Choctaw Indian? A Yes.
- Q You claim to be a full blood then? A Yes.
- Q You say your father left when you was a boy about fourteen or fifteen years old; did he ever come back here? A I think I just like -- me a little boy; I don't know much about my daddy, he left me you know.
- Q Did he ever come back to Mississippi? A No.
- Q You never heard of him again? A I go one time to Arkansas; I cant find my daddy in Arkansas and I come back.
- Q How long did you stay there? A I stayed long about two or three months.
- Q How long ago did you go out there? A About before the war; four or five years before the big war; five or six, or seven, I don't know.
- Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory by the Choctaw tribal authorities or the United States authorities? A Father went to Territory, and don't know where he go. and I go to him and can't find him anywhere and come back; he got some money, and mother went there and got some money too and come back.
- Q Did your mother ever go to the Territory? A No, her brother went out there.
- Q Did her brother draw some money for her out there? A He drawed, and he stayed and drawed his sister too.
- Q Did he bring the money back to your mother? A Yes.
- Q How much was it? A You know brother he drawed himself through

John Johnson, et al., #2.

Arkansas. Choctaw drew first, and he kept it out as hers and he sent letter to my mammy from a Choctaw; he have him send letter.

Q How long ago was that, John? A After about one year, my mother died.

Q That would make it about seven years ago? A Yes, that's what my uncle said; said last time, many Choctaws go.

Q You don't know whether your father's name, or your mother's name is on any of the Choctaw tribal rolls out there, do you, John?

A No, I don't know.

Q And you don't know whether either of them were ever admitted to citizenship out there by the Choctaws? A No, I don't know.

Q Are you married? A Yes.

Q What is your wife's name? A Nancy.

Q Are you living with her at this time? A Yes.

Q Is she a Choctaw Indian? A Yes.

Q Full blood? A Yes.

Q Do you want to make application for her? A Yes.

Q How old is she? A Might be near fifty.

Q Has your wife always lived in Mississippi? A Yes.

Q Is her father living? A Done dead.

Q What is your wife's father's name? A Choctaw name, Pistubbee.

Q Did he have an English name? A No.

Q Is your wife's mother living? A Yes.

Q What is her name? A Amy.

Q Now, your wife's father, Pistubbee, was a full blood Choctaw?

A Yes.

Q And Amy is a full blood Choctaw? A Yes.

Q Has Amy always lived in Mississippi? A Yes.

Q Did Pistubbee always live in Mississippi? A All the time.

Q Were either of your wife's parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No.

Q Have you any children? A Yes, two.

Q Were you married to Nancy under a license or according to the Choctaw custom? A Choctaw custom.

Q What are the names of these children and their ages? A Hickman.

Q How old is Hickman? A About fourteen or fifteen.

Q The next one? A Six now, I believe going on seven.

Q What is his name? A Albert.

Q These children are both living with you? A Yes.

Q You are the father of these two children? A Yes.

Q What is their mother's name? A Nancy.

Q This application then is for yourself, your wife and two minor children? A Yes.

Q Is your name, or your wife's name, or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.

Q Did you ever make application for yourself, your wife or either of these two children to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you, or any one for you, in the year 1896, make application to the ~~Shawnee~~ Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, for yourself, your wife, or either of these two children? A No.

John Johnson, et al., #3.

Q Have you, your wife, or ~~the~~ either of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No.

Q Have you ever made any application prior to this time for yourself your wife or either of these children to the Choctaw tribal authorities or the United States authorities to be enrolled as citizens of the Choctaw Nation? A I have been to Philadelphia this year.

Q When was that? A Two or three years ago.

Q That application at Philadelphia then is the only one you have ever made until to-day? A That's all.

The records of the Commission show that on January 30, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his wife and two minor children as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 236; also, upon page 811 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians, claiming rights in the Choctaw lands under the provisions of The 14th article of the treaty of Dancing Rabbit Creek, being numbers 814, 814, 815 and 816, respectively, thereon.

Q When you appeared before the Commission two years ago, you gave your age as 55; you have discovered since that time that you were mistaken at that time in your age, and think you are about sixty five now? A Yes, I just guess at it that time, and I found out since that my age is about sixty five.

Q At the time you appeared before the Commission two years ago, you gave your wife's age as thirty five, to-day you say she is about fifty? A Yes, that's true, but I come back and I find out.

Q Do you now desire to make application for the identification of yourself, wife and two minor children as Mississippi Choctaws? A Yes

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Has your wife ever received any benefits as a Choctaw Indian? A No.

Q Did any of your ancestors, or any of your wife's ancestors, ever receive any benefits as Choctaw Indians? A No.

Q You have testified that your mother got some money out in the Choctaw Nation; that is the only money she ever got from the Government? A Yes.

Q Were any of your ancestors, or your wife's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A Choctaw this way - Choctaw -- his daddy and his mammy - he don't want to tell his puss-cuss. I'm grown I don't know much my mammy's name - just Choctaw name - somebody tell me they got Choctaw name -- no he just English name. I don't know he Choctaw name.

Q What I want to know is this; were any of your Choctaw ancestors living here in Mississippi, in the old Choctaw Nation, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, according to your testimony as to your age, about six years before you were born? A I hear some of it, but I forget.

John Johnson, et al., #4.

Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians here at that time? A I don't know much about it anyhow; I know heap of them get money, and then mother, he been two or three times to Arkansas.

Q You think then that your grand father and grand mother were recognized members of the Choctaw tribe of Indians here in Mississippi at the time this treaty was made, do you? A No, I don't know, myself; I just hear heap times.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I know that; that's the reason I go with him when I little.

Q You went out there when you was little? A Yes, you know grown folks don't let it ride wagon, let boy ride wagon all the time.

Q When your people moved out there, who did you go with, your ~~grr~~ father and mother, or your grand father and mother? A My daddy he been before I go; my grand daddy and grand mammy and my mammy, I go with him and white man, and one named Bidges and one captain and three or four wagons.

Q At the time you went out there, were there lots of Choctaws going there? A Heap of them, like moving.

Q How long did you stay out there? A About two months or three months anyhow, I don't know.

Q Did any of your ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No.

Q You never got any land here? A No.

Q Are there any additional statements you desire to make at this time in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or whether any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty of ever received any benefits thereunder? A No.

(This applicant has the appearance of being a full blood Indian; he speaks and understands the Choctaw language, and also speaks broken English, the examination having been conducted partly in English and partly in the Choctaw language. His wife is also present before the Commission, and has every appearance of being a full blood Choctaw.)

The decision of the Commission as to the application you make at this time for the identification of yourself, your wife and children as Mississippi Choctaws will be determined

John Johnson, et al., #5.

at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 21st, 1899, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 26th day of July, 1901.

R. S. Streit

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Curr
In the Matter of the Application of John Johnson et al.,
For Identification as Mississippi Choctaws.

M. C. R. 2765 .

- - D E C I S I O N . - -

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on June 27, 1901, by John Johnson, for himself, his wife Nancy Johnson, and his two minor children Hickman Johnson and Albert Johnson, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Johnson, Nancy Johnson, Hickman Johnson and Albert Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.



Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

M.C.R. 2768

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Johnson, his wife Nancy Johnson, and minor children Hickman Johnson and Albert Johnson as Mississippi Choctaw Indians under the provisions of the forty first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Johnson, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.
Enc. H.M.V. 8

Acting Chairman.

M.C.R. 2765

Muskogee, Indian Territory, March 11, 1903.

John Johnson,
Teles, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Nancy Johnson, and your minor children, Hickman Johnson and Albert Johnson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Atna, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Jane Bixby.
Chairman.

Registered.

Enc. 2765.

#1015

No

For Identification as a Mississippi Choctaw.

Date

Name John Johnson

Age 65 Blood full

Post Office, Toles, Miss.

Father: Johnson (don't know)

Mother: Maria " d

Claims through both parents
wife Nancy Johnson (full) 50

Father is Osbee d

Mother Amy Osbee L

(Claims for self, wife
and 2 minor children)

Children:

Hickman Johnson 15
Albert "

(See Miss Choctaw card field

No 236 Appearance 1/31/99)

Stenographer

R. S. Street.

John Johnson, et

IDENTIFIED

P. 2 765

COPIES FORWARDED 11 11 1903

COPIES FORWARDED

APPLICANT

KASAW R. J.

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

P. O. Atchafalaya, J.

Choctaw MCR 2766

Sarah Campbell

MCR 2766

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Campbell, et al.,
for identification as Mississippi Choctaws, M.C.R. 2766.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Sarah Campbell, et al.

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Original application of Sarah Campbell, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Affidavit of F. S. Pickel	4
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Additional testimony in the matter of the application of Sarah Campbell, et al., for identification as Mississippi Choctaws	6
Decision of the Commission refusing the application of Sarah Campbell, et al., for identification as Mississippi Choctaws	9

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 27, 1901.

In the matter of the application of Sarah Campbell for herself and one child for identification as Mississippi Choctaws.

Sarah Campbell, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

Q What is your name? A Sarah Campbell.

Q What is your age? A I will be thirty seven years old the fourth day of July.

Q What is your post office address? A Meridian.

Q What county? A Lauderdale County.

Q How long have you lived in Mississippi? A All my days; bred and born in Mississippi.

Q Is your father living? A No sir.

Q What was your father's name? A Levi Philips.

Q Is your mother dead? A Yes sir.

Q What was her name? A Susan Philips. Oh! you know she married the second time and that made her Susan King.

Q Through which one of these parents do you derive your Choctaw blood? A My father.

Q Your mother has no Choctaw blood? A No sir.

Q How much Choctaw blood do you claim to have? A I think my father was a half; that ought to make me a quarter, oughtn't it?

A Did your father always live in the State of Mississippi? A Yes sir.

Q Were your father and mother married? A I reckon so; like the white folks allowed them in slavery times; you know how that was.

Q Your father and mother were both slaves? A No sir, my father wasn't exactly; well he was part slave to his mother's side; to his father's side he wasn't.

Q But he was a slave? A Yes sir.

Q How long did your father and mother live together as man and wife? A I can't remember that; I was small.

Q Did they have any other children besides you? A Yes sir, one of my brothers put in a claim in February, I think, and I have two brothers in New Orleans.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw authorities or the United States authorities? A No sir.

Q Are you married? A No sir, not now.

Q Have you ever been married? A Yes sir.

Q What was your husband's name? A Woodruff Campbell.

Q Is he dead? A Yes sir.

Q Did he have any Choctaw blood? A No sir.

Q What was he? A Darkey.

Q Have you any children? A Only one.

Q What is the name? A Daisy Campbell.

Q How old is Daisy? A Seventeen years old, the 23rd of April.

Q Is she married? A No sir.

Q This is the only child you have? A Yes sir.

Q This application then is for yourself and one minor child? A Yes sir.

Q Is your name or the name of this child on any of the Choctaw

Sarah Campbell, et al., #2.

tribal rolls in Indian Territory? A No sir.

Q Your name is not on any of the rolls out there? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or this child to be enrolled as members of the tribe? A No sir.

Q Did you or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or this minor child? A No sir.

Q Have you or this minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Did you ever make application prior to this time to either the Choctaw authorities or the United States authorities for yourself or this child to be enrolled or admitted as citizens of the Choctaw Nation? A No sir.

Q This then is your first application of any kind? A Yes.

Q You now desire to make application for yourself and child as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever claim any benefits as Choctaw Indians? A No sir.

Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I can't tell anything about that either.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made? A I can't tell you nothing about that.

Q You have no evidence that they were? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Does your father speak it? A Yes sir.

Q Are you sure of that? A Yes sir, he could speak it; I think my auntie can speak it, and my cousins that will be here.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir; I have never heard of it.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I never heard of it if they did.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir, never heard of that either.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied

Sarah Campbell et al., #3.

or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

A.W.Trotter, attorney for the applicants, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and one minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the ~~last~~ Twenty First Section of the Act of Congress of June 28th, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S.Streit, having been first duly sworn, upon his oath states as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 26th day of July, 1901.

R. S. Streit
[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 22nd, 1902.

Additional testimony in the matter of the application of
Sarah Campbell, et al., for identification as Mississippi Choctaws,
M.C.R. 2766.

APPEARANCES: A.W. Trotter, Attorney for applicant.

Frank S. Pickel, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A Frank S. Pickel.
Q How old are you? A I will be sixty-seven years old the last day of June.
Q What's your postoffice address? A Meridian.
Q How long have you lived in Meridian? A About twelve years.
Q Where did you live before that? A In Clark County.
Q Mississippi? A Yes sir.
Q How long did you live in Clark County, Mississippi? A I reckon thirty odd years.
Q Where did you live before that? A I was born up here in Sumter County.
A Alabama? A Yes sir, about thirty miles from here.
Q Are you acquainted with the applicant Sarah Campbell? A Yes.
Q How long have you known her? A Ever since she was a girl.
Q About how old is she? A I reckon she's twenty-five or thirty years old.
Q Were you acquainted with her parents? A Yes sir, knowed her father.
Q What was his name? A Rafe Phillips.
Q Was he a slave? A Yes sir.
Q Did you know her mother? A Yes, I knew her but I don't remember her name.
Q Was she a slave? A Yes sir.
Q Has Sarah any Choctaw blood? A She says she has--her father was a half breed.
Q Is he living? A I don't know--I think he died last year.
Q Do you know him to be a half blood Choctaw? A All I know is what they claim--the Indian he claimed to be his father is old Logan who lived there with him.
Q You are acquainted with the Indian who claimed to be his father? A Yes sir, old Logan he claimed to be his father--said to be.
Q Where did this Indian Logan live? A Just below Enterprise on the McLain plantation.
Q Did he have any other name besides Logan? A Not as I know of.
Q Do you know that he was a full blood Choctaw? A Yes, from his looks he looked to be and spoke Indian.
Q About how old would he be if he were living now? A I expect eighty or ninety years old.
Q Considerably older than you are? A Yes sir, he was tolerably old when I was a boy.
Q Do you know where he was born? A I suppose he was born down there. At that time all that country down there was inhabited by Choctaws.

Sarah Campbell et al--2

Q About what year was it when you first got acquainted with him?
A I couldn't tell you--I was a boy and don't remember the year.

Q You don't know how long he had lived there before you knew him?
A No, I just knew him by seeing him--he lived there with those negroes.

Q What was the name of the mother of this applicant's father, do you remember?
A No sir, I don't remember.

Q Was she a slave?
A Yes sir.

Q Logan wasn't a slave?
A No sir, he was an Indian.

Q Was he ever married to this woman, do you know?
A Not that I know of--I don't suppose he was.

Q Do you know whether he ever lived with her as his wife?
A Not that I know of.

Q Did she have any other children besides this one?
A I think there were several other children--I don't know--I don't remember. They lived on the River a piece below where I lived about seven or eight miles--I used to see them when they went to town. I know there were several half breed Indians on the place but I don't know whether they were the children or not.

Q Were the father and mother of this applicant married?
A Not that I know of.

Q Sarah's father and mother?
A They claimed to be married--they married like darkies did before the war.

Q How long after the surrender did they live together?
A I don't know how long they lived together.

Q Do you have any idea how long they lived together?
A I think they lived together until they died.

Q How long was that?
A I don't know how long they've been dead.

Commission:

What further do you expect to prove by this witness, Mr. Trotter?
A I want to prove that they lived together as man and wife.

Examination by Mr. Trotter:

Q Do you know whether he had this woman as his wife at that time?
A I don't know that she was his wife--this Logan lived with her.

Q As man and wife?
A I don't know whether they were as man and wife.

Q Was that the general impression that they were living together as man and wife?
A Yes sir, I think so.

Q You know they weren't married by license at that time?
A No sir.

Commission:

Mr. Trotter is that all you expect to prove by Mr. Pickel?

Mr. Trotter:
I want to prove by him that he had this woman as his wife according to the custom of the country.

By Mr. Pickel:

I couldn't tell that-- they only lived together.

Examination by Mr. Trotter:

Q Was it not publicly known there in the community that he had this woman as a wife?
A That's what I heard--I don't know whether he

Sarah Campbell et al--3

lived in the house with her or not.

Q It was generally understood, then, that he had this woman for a
wife? A Yes, I guess so, they had children.

Q Was Rafe one of the children that Logan had? A Yes sir, he was
one of Logan's children; that's what they say.

Commission:

Mr. Trotter, does the witness know whether any of the ances-
tors of the applicant, Sarah Campbell, ever complied or attempted to
comply with the provisions of article 14 of the treaty of Dancing
Rabbit Creek or ever received any benefits thereunder?

Mr. Trotter:

He doesn't know about that.

Commission:

Is that all you expect to prove by this witness?

Mr. Trotter:

Yes sir.

Commission:

The witness is a white man of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in
full all proceedings had in the above entitled cause, heard at Merid-
ian, Mississippi, April 22nd, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes
taken in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of May, 1902,
at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

J. F. M.
C. W.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Campbell, et al.,
for identification as Mississippi Choctaws, H.C.R. 2766.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sarah Campbell for herself and her minor child, Daisy Campbell, under the following provision of the act of Congress approved June 28, 1906 (34 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Logan, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any person by the name of Logan, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Campbell and Daisy Campbell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application

For their identification as such should be refused and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jane Birby.

ACTING CHAIRMAN.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Brekinridge.

COMMISSIONER.

Washington, Indian Territory,

DEC 5 1902

COPY.

M.C.R.2766.

Muskegee, Indian Territory, December 5, 1902.

Sarah Campbell,
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Campbell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Campbell and Daisy Campbell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to

S. C. 100-2.

the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

(SIGNED)

James Birby

Acting Chairman.

Register.

COPY.

M.C.R. 2766.

Muskogee, Indian Territory, December 5, 1902.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Campbell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Campbell and Daisy Campbell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

A. V. T. -----

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tama Bixby.

Acting Chairman.

Register.

COPY:

M.C.R. 2766.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Campbell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Campbell and Daisy Campbell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamc Bixby.

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sarah Campbell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant in this case, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Chairman.

Ino. M.C.R. 2766.

{COPY}

Land

76213-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

Feb. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Sarah Campbell for herself and her minor child Daisy Campbell for identification as Mississippi Choctaws claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Logan, who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Levi Phillips.

The Commission rejected the applicants December 5, 1902, because the name of their ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of

the Cheetaw Nation.

An examination of the records of this office has been made with reference to the names of Logan and Levi Philips, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights if they had such rights as Cheetaw Indians.

This being the case, it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

C.T.C.(S)

(COPY)

D C 8446-1903.

DEPARTMENT OF THE INTERIOR.

BAF.

IND. 2290-1903.

L.R.S.

March 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification of Sarah Campbell and her minor child, Daisy Campbell, as Mississippi Choctaws, including your decision of December 5, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Logan, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Logan, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has reviewed the whole record and hereby
affirms your decision.

Respectfully,

(Signed) Thom. Ryan,

Acting Secretary.

1 inclosure.

M C R 2766

COPY.

Muskogee, Indian Territory, March 31, 1903.

Sarah Campbell,

Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Campbell, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(S. L. 103)
Tams Bixby
Chairman.

M C R 2766

COPY:

Muskogee, Indian Territory, March 31, 1903.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Campbell, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M C R 2766

COPY.

Muskogee, Indian Territory, March 31, 1903.

Hansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Campbell, et al., of which decision you were advised by mail on the 8th day of December, 1902.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

REFUSED

Sarah Campbell et al

DECISION RENDERED. DEC 1902

NOTICE OF DECISION MAILED APPLICANT. DEC 5 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS. DEC 5 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 5 1902

RECORD FORWARDED DEPARTMENT. DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC

REC

#1016

No. 2221

For Identification as a Mississippi Choctaw.

Date JUN 27 1901

Name Sarah Campbell

Age 37 Blood $\frac{1}{4}$

Post Office, Meridian Miss.

Father: Levi Philips d

Mother: Susan King d

Claims through father
husband Woodruff Campbell d
negro

(Claims for self and one child)

Children:

Laisy Campbell 17

Stenographer

R. S. Street

No. _____

For Identification as a Mississippi Choctaw.

Date

APR 22 1902

Additional Testimony

Name *Sarah Campbell et al*

M.C.R. 2766.

Age

Blood

1/4

Post Office,

Father:

Testimony of

Mother:

Frank A. Pickel

Claims through taken at

Meridian, Miss.

Children:

Stenographer

J. S. Miles

Choctaw MCR 2767

Anna E. Denison

MCR 2767

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna E. Denison, et
al., for identification as Mississippi Choctaws, M.C.R. 2767.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Anna E. Denison, et al.

(Page)

Original application of Anna E. Denison, et al., before the Daves Commission for identification as Mississippi Choctaws	1
Decision of the Commission refusing the application of Anna E. Denison, et al., for identification as Mississippi Choctaws	5

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. June 29, 1901.

2767

In the matter of the application of Anna E. Denison for the identification of herself and her minor children as Mississippi Choctaws.

Anna E. Denison being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Anna E. Denison.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Sherman, Grayson County, Texas.
Q Do you live in Sherman? A Nine miles West.
Q How long have you lived there? A Just this Spring and Summer;
lived in Sherman all my life.
Q Where were you born? A In Mississippi.
Q How old were you when you left Mississippi? A I was only a baby.
Q Where did you go to? A To Grayson County, Texas.
Q And have resided there ever since? A Yes.
Q What is your father's name? A George Griffith.
Q Is he living? A No.
Q What is your mother's name? A Mary Griffith.
Q Is she living? A No.
Q Through which one of your parents do you derive your Choctaw blood? A Mother's side.
Q How much Choctaw blood do you claim? A 1/32, I suppose it is.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Elija A. Denison.
Q Is he living? A Yes.
Q Do you make application on behalf of your husband? A No.
Q He is a white man and makes no claim to Indian blood? A Yes.
Q Have you any children in your family for whom you wish to make application at this time? A I have four.
Q Give their names and ages. A Carrol Denison (boy), thirteen.
Lavinia A. Denison, eleven; Allie B. Denison; five; William B. Denison, three.
Q These are all your children? A Yes.
Q What is the name of their father? A Elija A. Denison.
Q When and where were you married to him? A Sherman, Texas.
Q When? A I don't know; I have been married about fifteen years.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application for yourself or children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A I never have made any.
Q Did you or did any one for you or your children in 1896 make application for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? A No.
Q Have you or they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the fourteenth article of the treaty of 1830? A No.

Q Under what provision of law do you claim your right? A Well, I might have answered wrong, I don't know much about it.

Q Are you familiar with the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Well, do you claim under them? A Yes.

Q Did you ever hear that article read? A No. I have never heard no only through this Dawes Commission.

Q Did you ever hear the fourteenth article of the treaty of 1830 read? A No.

Q What makes you say you are familiar with it; did you ever read it yourself? A No.

Q Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Do you claim under this article? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A What were their names? Smith and Shaw and Brashears.

Q Now what relation was this Smith to you? A My grandmother was a Smith.

Q What was her name? A Elizabeth Smith.

Q Was that her maiden name? A No, Brashears was her maiden name.

Q Did she live in Mississippi in 1830? A She did when I was nothing but a child; my grandfather died in Mississippi.

Q Well, was she living in Mississippi in 1830? A Yes.

Q That was over seventy years ago. A Well, she was over seventy when she came to Texas; she died before I was grown.

Q Well, what relation was this Shaw to you? A Cousins.

Q You can't claim anything from them; what I want to know is what is the name of this ancestor through whom you claim? You claim this through this grandmother Smith? A Yes.

Q Was she a full-blood Choctaw Indian? A I don't know whether she was full-blood or not.

Q Have you any evidence showing that she was a member of the Choctaw

Anna E. Denison---3

tribe at that time? A No, only what she said herself.

Q Did this ancestor, if a Choctaw Indian remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A No, she never lived in this part; never came here at all.

Q If she did not remove with the other members of the tribe, did she, within six months after the ratification of the treaty of 1830 signified to the United States Indian Agent to the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any benefits, any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Are there any additional statements you desire to make now in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.

Q You have no papers that you want to file at all? A I have no papers.

James W. Denison being called and sworn as a witness in this case testified as follows in behalf of applicant:

Q What is your name? A James W. Denison.

Q What is your age? A Will soon be 68.

Q What is your post-office address? A Sherman, Texas.

Q Are you acquainted with the applicant in this case, Anna E. Denison? A Yes, I am some acquainted.

Q How long have you known her? A I don't know just exactly- some 14, 15 or 16 years may be.

Q How are you related to her, if in any way? A She is my sister-in-law, no, my daughter-in-law- I don't know.

Q You say she is your daughter-in-law? A Yes.

Q Are you familiar with her family history? A No.

Q Do you know her father and mother? A No.

Q Or her grandfather or grandmother? A No.

Q You don't know whether they claimed any Choctaw Indian blood? A No, I don't.

Q What is her father's name? A I don't know; only what she says; I never seen him in my life. Never seen any of her family but her and her aunt.

Q Do you know her mother? A No.

Q What was her name before she was married? A Griffith, I suppose, that was all she was known by.

Witness excused.)

Applicant recalled;

Q Do you want time in which to file any additional evidence in this case? A Yes.

Thirty days time is allowed applicant in which to file any further evidence in support of this claim.

The decision of the Commission as to your application for the

Ann H. Hains

Identification of yourself and your minor children will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the fourteenth section of the Act of Congress of June 20, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a white woman.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on June 20, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July, 1901.

W. L. Linsbaugh
Notary Public

J. H.
C. V. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna E. Denison, et al., for identification as Mississippi Choctaws, H.C.B. 2767.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Anna E. Denison for herself and her four minor children, Caryl, Lavinia A., Allie B. and William E. Denison, under the following provision of the act of Congress approved June 23, 1898 (30 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Elizabeth Smith (nee Brashears), who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth Smith (nee Brashears), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna H.

Denison, Garret Denison, Lavinia A. Denison, Allie B. Denison and William B. Denison, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Larns Dixby.

Acting Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT -8 1902

COPY.

M C R 2767

Muskogee, Indian Territory, October 8, 1902.

Anna E. Denison,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Anna E. Denison et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Denison, Carrel Denison, Lavinia A. Denison, Allie B. Denison and William B. Denison as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

A B D R

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

James L. Dwyer.

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Anna E. Denison et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Denison, Carrel Denison, Lavinia A. Denison, Allie E. Denison and William B. Denison as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

M McN & C 2

and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Anna M. Denison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 8, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

D.C.3247-1903.

(COPY).

J.W.H.
THE.

I.T.D. 6995-1902,
500-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 30, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 8, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Anna E. Denison (M.C.R. 2767) for herself and her four minor children, Garrel, Lavina A., Allie B., and William B. Denison, including your decision of the same date refusing to identify them as such.

From the testimony of the principal applicant, whose degree of Choctaw blood is $1/32$ nd, it appears that she was born in Mississippi in 1869. Her parents were George and Mary Griffith, both of whom are dead. The record does not show who was the father of Mary Griffith. Her mother's name was Elizabeth Smith, formerly Elizabeth Brashears, who was living in Mississippi in 1830.

In said decision you refused to identify these applicants as Mississippi Choctaws by reason of the fact that the records in your possession do not show that the said Elizabeth Smith or Brashears, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

January 17, 1903, reporting in the matter, the Commissioner of Indian Affairs states that the records in his possession fail to

show the name of Elizabeth Smith as among the Choctaw Indians who complied or attempted to comply with article 24 of said treaty; he states, however, that his records show that there were four families named Brashears, who did so comply. He further states

"It may be that Elizabeth Brashears Smith was a member of one of these families of Brashears and a minor in 1830," and he recommends that your decision rejecting the applications be approved, but that they be furnished with a copy of this letter and be given an opportunity to give proof as to what Brashears was the father or mother of Elizabeth, and the head of a family in 1830.

It is possible that the principal applicant's grandmother was a minor in 1830; that her name was then Elizabeth Brashears, and that she was a descendant of some one of the Brashears referred to in said report of the Commissioner of Indian Affairs, but there is nothing in the testimony now before the Department which would enable it to reach such a conclusion relative to her ancestry, and it is therefore held that the evidence in the case is not sufficient to warrant the identification of these applicants as Mississippi Choctaws. You will, however, furnish the principal applicant with a copy of this decision.

Your action is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land, 60711-1902.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes, in the matter of the application of Anna E. Denison for herself and her four minor children, Carrel, Lavinia A., Allie B., and William E. Denison, for identification as Mississippi Cheetaws, wherein a decision adverse to the applicants was rendered by the Commission on October 8, 1902.

The record in this case shows that the applicants base their claims to identification on their descent from Elizabeth Brashears, ^{and} who married a man named Smith, whom they claim was a Cheetaw Indian residing in the Cheetaw Nation in Mississippi in 1830, and who as such complied or attempted to comply with the provisions of the 14th article of the Cheetaw treaty of 1830.

The Commission rejected the applicants on the ground that its records failed to show the name of Elizabeth Brashears or Elizabeth Smith among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Cheetaw treaty.

The records of this office shows that there were four families named Brashears who complied with the provisions of the 14th article of the Cheetaw treaty, and in each case there were a number of children. This office has not the names of the children, and the head

of the family in either instance was not named Elizabeth, but of course it is not claimed that this ancestor was the head of a family as Elizabeth Brashears but rather as Elizabeth Smith. Neither do the records of this office show the name of Elizabeth Smith as among those Cheetaw Indians who complied or attempted to comply with the 14th article of the treaty.

There was also a number of families named Brashears who were beneficiaries under the 19th article of the Cheetaw treaty, and received lands under the provisions of that article.

It may be that Elizabeth Brashears Smith was a member of one of those families of Brashears, and a minor in 1830.

I therefore recommend that the decision of the Commission rejecting the applicants be approved, but that they be furnished with a copy of this letter, and be given an opportunity to submit proof as to what Brashears was the father or mother of Elizabeth, and the head of a family in 1830 if they believe they are in error in claiming that Elizabeth was the head of a family at that time.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H.(E)

D.C.3247-1903.

(COPY).

J.W.H.
YHE.

I.T.D. 6995-1902,
500-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 30, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

October 8, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Anna E. Denison (M.C.R. 2767) for herself and her four minor children, Carrel, Lavina A., Allie B., and William B. Denison, including your decision of the same date refusing to identify them as such.

From the testimony of the principal applicant, whose degree of Choctaw blood is $1/32$ nd, it appears that she was born in Mississippi in 1869. Her parents were George and Mary Griffith, both of whom are dead. The record does not show who was the father of Mary Griffith. Her mother's name was Elizabeth Smith, formerly Elizabeth Brashears, who was living in Mississippi in 1830.

In said decision you refused to identify these applicants as Mississippi Choctaws by reason of the fact that the records in your possession do not show that the said Elizabeth Smith or Brashears, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

January 17, 1903, reporting in the matter, the Commissioner of Indian Affairs states that the records in his possession fail to

show the name of Elizabeth Smith as among the Choctaw Indians who complied or attempted to comply with article 24 of said treaty; he states, however, that his records show that there were four families named Brashears, who did so comply. He further states

"It may be that Elizabeth Brashears Smith was a member of one of these families of Brashears and a miner in 1830." and he recommends that your decision rejecting the applications be approved, but that they be furnished with a copy of this letter and be given an opportunity to give proof as to what Brashears was the father or mother of Elizabeth, and the head of a family in 1830.

It is possible that the principal applicant's grandmother was a miner in 1830; that her name was then Elizabeth Brashears, and that she was a descendant of some one of the Brashears referred to in said report of the Commissioner of Indian Affairs, but there is nothing in the testimony now before the Department which would enable it to reach such a conclusion relative to her ancestry, and it is therefore held that the evidence in the case is not sufficient to warrant the identification of these applicants as Mississippi Choctaws. You will, however, furnish the principal applicant with a copy of this decision.

Your action is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land, 60711-1902.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes, in the matter of the application of Anna E. Denison for herself and her four minor children, Carrel, Lavinia A., Allie B., and William E. Denison, for identification as Mississippi Cheetaws, wherein a decision adverse to the applicants was rendered by the Commission on October 8, 1902.

The record in this case shows that the applicants base their claims to identification on their descent from Elizabeth Brashears, who married a man named Smith, ^{and} whom they claim was a Cheetaw Indian residing in the Cheetaw Nation in Mississippi in 1830, and who as such complied or attempted to comply with the provisions of the 14th article of the Cheetaw treaty of 1830.

The Commission rejected the applicants on the ground that its records failed to show the name of Elizabeth Brashears or Elizabeth Smith among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Cheetaw treaty.

The records of this office shows that there were four families named Brashears who complied with the provisions of the 14th article of the Cheetaw treaty, and in each case there were a number of children. This office has not the names of the children, and the head

of the family in either instance was not named Elizabeth, but of course it is not claimed that this ancestor was the head of a family as Elizabeth Brashears but rather as Elizabeth Smith. Neither do the records of this office show the name of Elizabeth Smith as among those Chectaw Indians who complied or attempted to comply with the 14th article of the treaty.

There was also a number of families named Brashears who were beneficiaries under the 19th article of the Chectaw treaty, and received lands under the provisions of that article.

It may be that Elizabeth Brashears Smith was a member of one of those families of Brashears, and a minor in 1830.

I therefore recommend that the decision of the Commission rejecting the applicants be approved, but that they be furnished with a copy of this letter, and be given an opportunity to submit proof as to what Brashears was the father or mother of Elizabeth, and the head of a family in 1830 if they believe they are in error in claiming that Elizabeth was the head of a family at that time.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H.(E.)

COPY.

M.C.R. 2767

Muskogee, Indian Territory, February 11, 1903.

Anna E. Denison,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 30th day of January, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Anna E. Denison, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

The Commission is directed by the Secretary of the Interior to furnish you a copy of his letter affirming the decision in this case and the same is herewith inclosed.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

1 enclosure.
IRS-1

COPY.

M.C.R. 2767

Waskogee, Indian Territory, February 11, 1903

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Anna E. Denison, et al., of which decision you were advised by mail on the 8th day of October, 1902,

Respectfully,

(SIGNED).

Tame Bixby.

Acting Chairman.

No. 2767

For Identification as a Mississippi Choctaw.

Date **JUN 29 1901**

Name *Anna E. Demison*

Age *32* Blood *1/32*

Post Office, *Sherman, Texas*

Father: *George Griffith (dead)*

Mother: *Mary " "*

Claims through *mother*
husband
Elijah A. Demison
(No claim for him)

Children:

<i>Carrel Demison</i>	<i>M</i>	<i>13</i>
<i>Lavena A. "</i>	<i>"</i>	<i>11</i>
<i>Allie B. "</i>	<i>"</i>	<i>5</i>
<i>William B. "</i>	<i>"</i>	<i>3</i>

*(Claims for herself and
four children)*

Stenographer

Henry S. Hains

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Anna C. Demison et al.

RECEIVED

DECISION RENDERED. OCT 8 - 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT - 8 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 8 1902

RECORD FORWARDED DEPARTMENT.

1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 30 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 11 1903

Choctaw MCR 2768

Louisa Nicholson

MCR 2768

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louisa Nicholson
for identification as a Mississippi Choctaw, M O B 8768.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Louisa Nicholson.

	Page.
Original application of Louisa Nicholson before the Dawes Commission for identification as a Mississippi Choctaw	1
Affidavit of Wm. Williams	4
Affidavit of Margaret Nicholson	5
Decision of the Commission refusing the application of Louisa Nicholson for identification as a Mississippi Choctaw	6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Louisa Nicholson for identification as a Mississippi Choctaw.

Said Louisa Nicholson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Louisa Nicholson.
Q What is your age? A I don't know, sir; about seventy.
Q Where do you live? A About five miles from here.
Q What is your postoffice address? A Lucile, Mississippi.
Q In what County? A Lauderdale County.
Q How long have you lived in Lucile? A I have been living around here over thirty years.
Q Where were you born? A In Mississippi.
Q Whereabouts in Mississippi? A I don't know particularly where.
Q You were born in Mississippi? A Yes sir.
Q What is your father's name? A George Washington.
Q Is he dead? A Yes sir.
Q What was your mother's name? A Docia; she is dead.
Q Docia what? A Docia Nicholson.
Q She is dead, you say? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My daddy.
Q What was your mother's blood? A She was a negro.
Q She was n't a Choctaw? A No sir.
Q How much Indian blood did George Washington have? A Nearly whole Indian.
Q Do you know for sure whether he was a whole Indian? A He was a red Indian.
Q How much Choctaw blood do you claim? A I claim half.
Q Are you sure that you have half Choctaw blood? A Yes sir.
Q Was your father a slave before the war? A No sir.
Q You know about that, do you? A Yes sir.
Q Was your mother a slave before the war? A Yes sir.
Q Her master's name was Nicholson, wasn't it? A Yes sir.
Q Where was she a slave? A I don't know, somewhere in Alabama.
Q Were you a slave before the war? A Yes sir.
Q What was your master's name? A Nicholson.
Q He was your mother's master too? A Yes sir.
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities?
A I don't know.
Q Your husband is dead, is he? A Yes sir.
Q You are making application just for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a member of that Tribe?
A No sir.
Q Did you or did anyone for you in 1896, under the Act of Congress

Louisa Nicholson---2.

of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Have you ever made application before this time for citizenship or enrollment in the Choctaw Nation to the Dawes Commission or to the Choctaw Tribal authorities? A No sir.

Q Is this the first application that you ever made? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your right as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Have you or any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q What are the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and recognized members of the Choctaw Tribe of Indians in 1830? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A I never heard no talk about it. I don't know about that.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of ~~1830~~ 1830 go to the United States Indian Agent in Mississippi and tell him that they wanted to stay in Mississippi and wanted to become citizens of the United States? A I don't know about that.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830?

A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q Are there any other statements you want to make about this claim?

A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want time in which to file documentary evidence in support of your application? A Yes sir.

Thirty days time from the date hereof is granted this applicant in which to file documentary proof in support of this claim.

This applicant has the appearance of a person descended from ~~mixed ancestry~~ negro ancestry. She does not understand or speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress

Devise Nicholas

of June 22, 1901. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of July, 1901,
at Meridian, Mississippi.

[Signature]
Notary Public

*W.B.D.
C.W.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE MISSISSIPPI CHEROKEE TRIBES.

In the matter of the application of Louisa Nicholson
for identification as a Mississippi Cherokee, N. S. R. 2740.

DECISION.

It appears from the record herein that application for
identification as a Mississippi Cherokee was made to this Commission
by Louisa Nicholson for herself under the following provision of
the act of Congress approved June 28, 1906, (34 Stat., 428):

"Said Commission shall have authority to determine the
identity of Cherokee Indians claiming rights in the Cherokee
lands under article fourteen of the treaty between the United
States and the Cherokee Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other
acts necessary thereto and make report to the Secretary of
the Interior."

It also appears from the testimony that this applicant was
born of a slave mother prior to the Emancipation Proclamation and
was herself a slave; and it does not appear from the records in the
possession of the Commission that she has ever been enrolled by the
Cherokee tribal authorities as a member of the Cherokee tribe, or ad-
mitted to Cherokee citizenship by a duly constituted court or com-
mission.

See of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 822).

It is the opinion of this Commission that under the provision of law above quoted as Freedom is entitled to identification as a Mississippi Throater, and that the application of Louise Nicholson as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

7. *Chlorophyll a* and *Chlorophyll b* contents were determined by the method of Lichtenthaler (1987).

CONCLUSIONS

C. R. Buckinside
COMMISSIONER.

Muskegon, Indian Territory.

OCT -4 1902

COPY.

M.C.R. 2768.

Muskogee, Indian Territory, October 4, 1902.

Louisa Nicholson,

Lucile, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Louisa Nicholson, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision is as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Louisa Nicholson as such should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this day forwarded the record in this case to the Secretary of the

L.N. No. 1.

Interior for review, and you will be informed in due time of such
action as may be taken by him.

Respectfully,

SIGNED

Acting Chairman

Registered.

M.C.R. 2768.

Muskogee, Indian Territory, October 4, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Louisa Nicholson, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision is as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Louisa Nicholson as such should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this day forwarded the record in this case to the Secretary of the

H. McN. & C. No. 2.

Interior for review, and you will be informed in due time of such
action as may be taken by him.

Respectfully,

(SIGNED)

Acting Chairman.

M.C.R. 2768.

Muskogee, Indian Territory, October 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Louisa Nicholson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 4th, 1902.

The Commission has the honor to report that the applicant, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure.

D.C. 780

-3- COPY -3-

EAF.

ITD. 780-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 4, 1902, you transmitted the record in the matter of the application for identification of Louisa Nicholson as a Mississippi Choctaw.

It is stated in your decision of October 4, 1902, that the evidence shows that applicant was born of a slave mother prior to the Emancipation Proclamation and that she herself was a slave; that she has never been admitted or enrolled as a citizen of the Choctaw Nation. You held that no freedman is entitled to identification as a Mississippi Choctaw, and you refused the application.

Forwarding the papers December 19, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

✓ Having carefully considered the record in this case, the Department hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

-1- COPY -1-

Land.
60,367-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Louisa Nicholson for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission October 4, 1902.

The testimony in this case shows that the applicant bases her claim to identification because of her descent from George Washington, who, she claims, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant because the name of her ancestor through whom she claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of the party from whom this applicant claims descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Goshute treaty of 1850.

This being the case it is evident that the decision of the Commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.)

P.

COPY.

M.C.R. 2768

Muskogee, Indian Territory, January 18, 1903.

Louisa Nicholson,

Lucile, Mississippi.

Dear Madam:

You are hereby notified that on the 8th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 4th day of October, 1903.

Respectfully,
C. W. NED.

T. B. Needles.

Commissioner in charge.

COPY.

M.C.R. 2768

Muskogee, Indian Territory, January 16, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Louise Nicholson for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 4th day of October, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in charge.

...ED TRILES,
...ED
JAN 24 903

ACTING CHAIRMAN

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MUSKOGEE IND

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ACTING CHAIRMAN

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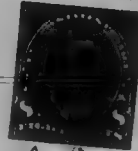
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Louisa Nicholson
Lucile
Miss



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

#1017

No.

2158

For Identification as a Mississippi Choctaw.

Date

JUN 28 1901

Name Louisa Nicholson

Age ~~64~~ 70 Blood 1/2

Post Office, Lucile Miss.

Father: George Washington d

Mother: Looia Nicholson d

Claims through father

~~Children:~~

Claims for self alone

Stenographer

J. A. Niles

Choctaw MCR 2769

William Crowther

See MCR 2772

MCR 2769

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Crowther, et
al., for identification as Mississippi Choctaws, consolidating the
applications of--

William Crowther, et al., M.C.R. 2769
Bettie Trussell, et al., M.C.R. 2772

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

	page
Original application of William Crowther, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Original application of Bettie Trussell, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	5
Affidavit of Wm. Walker,.....	9
Affidavit of Handy Thomas,.....	10
Decision of the Commission refusing the application of William Crowther, et al., for identification as Mississippi Choctaws,.....	11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of William Crowther
for the identification of himself and seven minor children as Mis-
sissippi Choctaws.

Said William Crowther, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A William Crowther.
Q What is your age? A Fifty-five.
Q What is your postoffice address? A Bailey, Lauderdale County,
Mississippi.
Q Where were you born? A Well, I think I was born- I don't know
exactly what place; I was born in this country- I was born as high
as I can come to it in the corner of three Counties, in the corner
of Lauderdale County.
Q Have you always lived in Mississippi? A Yes sir.
Q Where are you living now? A Near Bailey.
Q How long have you lived in Lauderdale County? A About twelve
years.
Q What is your father's name? A Wallace.
Q Is that all? A Yes sir, that is all I could recollect.
Q Did you know him? A Yes sir.
Q What kind of a looking man was he? A Well, he was a bright,
straight hair man. He wasn't white.
Q Did he have white hair? A Well, as high as I can remember, I
think he had black hair.
Q What do you claim he was, what blood? A Indian blood.
Q Full blood? A Yes sir.
Q Was he a slave? A No sir.
Q Is he living now, or dead? A He is dead.
Q Do you know when he died? A Yes sir, I can recollect when he
died. He got killed.
Q Do you know about that? A Yes sir.
Q Who killed him? A An Indian killed him.
Q Why did he get killed? A I suppose it was about a ball game.
Q Do you know that he was killed? A Yes sir.
Q What is your mother's name? A Leila.
Q What is her other name? A Leila Crowther.
Q Is she living or dead? A Dead.
Q How much Choctaw blood did she have, if any? A I don't know as
my mother had any.
Q What was she, negro? A Yes sir.
Q How much Choctaw blood do you claim to have? A I claim one-half
Choctaw.
Q Through whom do you claim your Choctaw blood? A On my father's
side.
Q Has your father, through whom you claim your right to identifica-
tion as a Mississippi Choctaw, ever been recognized in any way or
enrolled as a member of the Choctaw Tribe of Indians by either the
Choctaw Tribal authorities or the United States authorities?
A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mollie Crowther.
Q What is her blood? A Well, I couldn't really tell you whether

William Crowther et al---2

she is Indian or not.

Q Do you make any claim for her? A No sir, I couldn't make any claim for her.

Q Have you children under 21 years of age unmarried that you want to make application for? A I have seven children.

Q Under age and unmarried? A Yes sir.

Q What is the name of the oldest? A Beatrice.

Q How old is she? A Nineteen.

Q Next? A Junie.

Q Boy or girl? A Boy.

Q How old? A Fourteen.

Q Next? A Leona.

Q Girl? A Yes sir.

Q How old? A Twelve.

Q What is the name of the next child? A Lula.

Q How old is she? A Nine.

Q What is the name of the next? A Monroe.

Q How old? A Eight.

Q Next? A Bertha.

Q How old is she? A Five.

Q Next? A Artie.

Q How old? A Three.

Q Is that all? A Yes sir.

Q Were you married to your wife Mollie by an ordained minister and under a license? A Yes sir.

Q Have you your marriage license with you? A No sir.

Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No sir.

Q You never made application for your children, did you? A No sir.

Q Did you or did anyone for you or for your children in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation either yourself or children by either the Choctaw Tribal authorities the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application for yourself or children before this time to either the Choctaw Tribal authorities or to the United States authorities for citizenship in the Choctaw Nation? A No sir, this is the first time.

Q Is this the first application you have ever made for yourself and your children? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim this right as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830, at the time when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians? A No sir.

Q Have you any evidence showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.

William Crowther et al---3

Q Did any of your ancestors, if Choctaw Indians, go from the territory occupied by the Choctaw Indians in Mississippi or Alabama, to the Choctaw Nation in Indian Territory with the other Indians between the years 1833 and 1836? A Not to my recollection.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A Not as I know of.

Q Can you speak the Choctaw language? A Not all the way around.

Q Can you speak the Choctaw language so that a Choctaw will understand you? A Some things I can. I used to be a good talker.

Q Is there anything further you want to say now in support of this claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of ~~any~~ your ancestors were recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want time in which to file papers? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary evidence in support of this claim.

This applicant has the appearance of one descended from a mixed ancestry of mixed Choctaw and negro blood, in which the negro seems to predominate. There are traces of Choctaw blood. He does not understand the Choctaw language, except he has a smattering of Choctaw words, and he has no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your post office address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28, 1898, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



William Crowther et al.

Subscribed and sworn to before me this the 15th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

COPY

MA
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Growther, et al., for identification as Mississippi Choctaws, consolidating the applications of--

William Growther, et al., M.C.R. 2769
Bettie Trussell, et al., M.C.R. 2772

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William Growther, for himself and his seven minor children, Beatrice, Annie, Leana, Lula, Mervin, Martha and Artie Growther, and by Bettie Trussell, for herself, her husband, Newberry Trussell, and her six minor children, Marshall, William, Alma, Lola, Olevia and Levenna Trussell, under the following provision of the act of Congress approved June 22, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the applicants in M.C.R. 2769 and the principal applicant in M.C.R. 2772, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Wallace (or Wallace Porter), who is alleged to have been a full-blood Choctaw Indian; that Newberry Trussell, the husband of the principal applicant in M.C.R. 2772, claims said rights by reason of being a descendant of Billy, who is alleged to have been a full-blood Choctaw Indian, and Lucy Trussell, who is alleged to have been an one-half blood Choctaw Indian; and that the minor applicants applied for in M.C.R. 2772 claim said rights by reason of being descendants of all the above named ancestors.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress ap-

Proved June 10, 1896. (29 Stats., 321).

The name Wallace is found on pages 100 and 136, the name Billy on pages 41 and 45 of Volume VII, American State Papers, Public Lands; and the name Billy is also found on page 520 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742; all the foregoing citations being references to certain lists, schedules and depositions relating to claims under the treaty of "Dancing Rabbit Creek."

It also appears that persons bearing the names Wallis and Wallace received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek;" but it does not appear from the evidence submitted by the several applicants herein that the ancestors through whom they claim are identical with any one of the persons whose names appear in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Wallace (or Wallace Porter), or Billy, through whom these applicants claim, or Lucy Trussell, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate

such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Growther, Beatrice Growther, Junie Growther, Leona Growther, Lila Growther, Monroe Growther, Bertha Growther, Artis Growther, Bettie Trussell, Newberry Trussell, Marshall Trussell, William Trussell, Alma Trussell, Lola Trussell, Olevia Trussell and Lorenna Trussell as Choctaw Indians entitled to rights in the Choctaw

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

~~Acting~~ Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

APR 9 1903

(COPY)

CASE 171

Lah-po-ka, - a full blood Choctaw woman, five ft. one
hish - no marks says she is nine, immediately
added she meant to say nine hundred yrs. old - Is
40 or fifty - Is a widow.

Her statement filed -

Witness:
Omah-cha-tubbee) as:

Ite-so-num-pulli, being first sworn

Gives the name of Claimant & is witnesses

brother's widow - Her husbd. name was Tus-cah-

to-kah who died before the Treaty. She

was then a widow - Lived six miles from her & knew her well at
that time - She is a Choctaw & was the head of a Choctaw family
at date of Treaty. She had the following unmarried children
living with her at date of Treaty -

Viz: Ah-sha-los-tubbee died three or four years after Treaty
& left one child Wallace - now at home.

2. Chahley - male, at home.
3. Ha-lu - young man present.
4. Mah-sa, - young woman present.
5. So-fa, - young girl present.

The first child was over ten, young man grown; the second,
was a little over ten, & the three last were under ten at date
of Treaty, & all living with claimant at date of Treaty.

She had at date of Treaty a house & field entirely to herself & family - Her nearest neighbor Hoxajie, lived about fourth mile off. She then lived about two hundred yards west of Seneacha creek, seventeen miles from Koskiasco, Hoxajies Company & Leflores Dis.; Her land was first rate & used Lake water - She remained on this place eight years after Treaty when she moved with Hoxajie's family & others on land purchased by her of Juni Chote, about three miles off - She never has been west, but always remained in the Ceded Country.

The claimant went in company with witness & Hoxajie to Leflores at the time of annuity & was present at the interview with Ward the Agent & refers to Witness's statement in the case of Hoxajie (Case 161) & others since for all the facts - she u'd. no part of annuity & never obtained any other land under any other Article of Treaty, as witness knows & believes She has never sold her land or the scrip or made any contract to sell either as witness knows or believes.

See after No. 192, two children identified.

))))))))))))))))))))))))))

(COPY)

Socka, a full blood Choctaw, aged 65, being interrogated says his name is Socka, that at the date of the Treaty he had a family of two wives, & twelve children; his first wife is called Ste-ma-ya, present aged 42 the second wife is named O-te-ma-ho-ka; the children by the first wife Ste-ma-ya, are:
1. Sta-ya, a male present (pointing him out) does not know his age, born before the Treaty, nearly grown.

2. Sta-ma-tubbee, a male present (pointing him out) born before the Treaty.

3. Lo-ke a male present (pointing him out) born before the Treaty.

4. Oke-pea-hubbee, a male present (point him out) born before the Treaty.

5. Wallace, a male present (pointing him out) born before the Treaty.

6. Tus-ka-he-mitta, a male present (pointing him out) born the Treaty.

These children all lived with him, & were unmarried at the time of the Treaty.

The children by his second wife, O-te-ma-ho-ka are as follows, the eldest named:-

1. Pis-a-ma-kain-tubbee, a male present (pointing him out) does not know his age, he was born before the Treaty.

2. Ish-teem-bul-laly, a female (pointing her out) born before the Treaty.

3. Mae-a-ha-to-na, a female, (pointing her out) born before the Treaty.

4. Ish-te-mai-ah-nubbee, a male (pointing him out) born before the Treaty.

5. No-wah (the Walker) a female, (pointing her out) born before the Treaty.

6. Ma-a-la-he-na, a female (pointing her out) born before the Treaty.

These children were all unmarried, & living with him at the date of the Treaty?

Colo. Fisher is his Counsel.

Me-ash-ajah, a full blood Choctaw, a Witness for Claimant, being admonished of the nature, and obligation of an oath by one of the Commissioners, and declaring his knowledge thereof, & his belief in a future state of rewards, & punishments was sworn by one of the Commissioners & deposes as follows:

That he is acquainted with the Claimant his name is Socks (pointing him out) knew him at the time of the Treaty, & before, he then lived away up on Yock-e-noch-enney about 13 miles from this place, about N.E. - & about 12 miles from him, saw the family often & knew them well; he had two wives living with him at that time, his first wife is named Stema-ho-na, present, (pointing her out) at the time of the Treaty, he had six children by Ste-na-ho-na, the eldest child is named:-

1. Eha-tubbee, a male, went west of the Miss. the 3d season

after the Treaty, was married at the time of the Treaty and lived with his father, his wife is named No-ya. She emigrated with her husband, does not know her father's name, her mother's was Low-watch-ec, both are dead. No-ya never returned, & he thinks is also dead.

2. Sta-ya, a male present, (points him out) does not know his age, supposes him to be at this time about 30 years of age, has never been married -

3. Stay-ma-tubbee, a male, present (points him out) thinks he is now 28 years of age, has nver been married.-

4. Lo-ke, a male present, (points him out) thinks he is now 26 yrs of age, has never been married. -

5. Oke-pia-hubbee, a male present, (points him out) he thinks now about 14 years. -

6. Wallace a male present, (points him out) about 12 years of age.

7. Tus-ka-he-mitta, a male present, (points him out) about ten years old.

The children of his second wife who is named Na-ho-te-ma he knows her well, - are first

1. Pis-a-ma-kain-tubbee, a male present, (points him out) he is now 28 yrs old, was never married.

2. Ish-teem-bullaly, a twin with the first, a female present (points her out) now 28 yrs of age married about 2 yrs to Tug-

ca-ho-ga, he is at the Camp.

3. Ma-ca-ha-to-na, a female present, (points her out) now 26 yrs old, has never been married.

4. Isht-e-maia-nubbee, a male present, (points him out) 24 yrs old at this time, has never been married.

5. No-wah, a female present, (points her out) 12 yrs of age now

6. Ma-a-la-he-ma, a female, (points her out) 10 years old at this time.

These children were all living with their father & mother at the date of the Treaty, in the same house. About the time of the Treaty Sock-a, began to build a new house in the bottom where the land was rich about half a mile from his old residence where he had cleared a small field, when a white man named Powell, persuaded him in his presence, that he had better remain at his old place, as his wives were there any how & give the new place ^{up} to him. He commenced the field before the Treaty, but it was after it, he gave it up to the white man, he had about finished the house in the bottom when he gave up the place, but never lived in it. He had a Camp however, in the bottom in which he lived when he was at work there; he planted corn there two summers, & staid part of his time at each place during that time, the last year he cribbed his corn there. One of his wives, Stema-ho-ma, went backwards, & forwards with him, and the children to help to work & cook; never removed his furniture. He made crops at both places, the same season, the boys minded

the corn after it was cribbed, by day & night.

Sock-a had 3 dwelling houses at the old place, all in the same yard & very near together - Sock-a, & both his wives staid in one house, & the children occupied the other two.

Sock-a lived at the date of the Treaty, & before it at the old residence, & has continued there to this time, with his whole family, including his married daughters.

Sock-a, & all his family were at Ben Leflore's at the time of the payment of the annuity; he saw them there; he does not know if he went before Colo. Ward to be registered.

Witness was not at Turnbull's at the Council. Sock-a belonged at the time of the Treaty to We-shoc-she-ho-ma's Company, & joined Picken's Company at the Council at Turnbuls, - this he does not know of his own knowledge he continues to go with We-shoc-she-homa's Company. -

Is not related to Sock-a, & has no interest in his claim.

He had no family of his own at the date of the Treaty, & visited very often at Sock-a's nobody told him the ages of Sock-a's children, he just told what he supposed to be their ages; there was no child between Lo-ke & She-pia-hubbee, does not know the difference between their ages, He Guesses at their ages.

Recollect the Treaty at Doaks Stand, does not know how many years it has been since that time, he is not able to keep a record of it.

There was a child between Isht-ee-maia-nubbee, & No-wah.

Thinks it is about 8 years since the date of the Treaty of
Dancing Rabbit Creek. Iaht-teem-ai-a-nubbee, was born before the
Treaty at Doaks Stand, - & Ho-wah since. He has never lived nearer
to Sock-a than 12 miles. The land claimed by Sock-a has never
to his knowledge been sold by the Government. -

Taken and sworn to at
Leflores this 27. Jay.

Before

V. D. Vroom
J. Tiernay.

Meash-adah

his
X
mark

(COPY)

Gha-wa-te-you decd., by her grandson Wah-la or Billy of Capt Red Post Oaks Company of Six Towns a Choctaw and the Choctaw head of a family at the date of the Treaty of Dancing Rabbit Creek claims for herself a section of land under the 14th article of said Treaty including her then improvement or a pretion of it ^{the} numbers of which were pointed out by Ok-chau e ha jo & Ham-ba to N. N. Daniels and by him taken and are designated in his deposition before Robert James Esqron the 29 day of June 1843 as he is advised and believes

She also claims adjoining lands for the following named children living with her at the date of said Treaty and then unmarried to wit:

1. Wah la or Billy over 10 years at Treaty.

The State of Mississippi)
Jasper County SS)

This day personally came before me Robert James an acting Justice of the Peace in and for said county Wah la or Billy who being duly sworn says the facts set forth in the above application are true to the best of his knowledge information and belief.

Sworn & subscribed to this 29th day)
of June 1843 before me) Wah la or Billy his X mark

Robert James J. P. an acting Magistrate as aforesaid.

Chu-wa ta yoo, decd. widow at the date of Treaty of 1866 case is represented by her Grandson Wah-la and Billy being 5 feet 3 1/2 inches high about 40 years old states that at the date of the Treaty of Dancing Rabbit Creek his Grand mother Chu-wa tw yoo was a full blood Choctaw and head of a Choctaw family and had then living with her unmarried one child, viz:

1. Wah li or Billy then over 10 years old this Declarant.

Chu wa te yoo then resided in Nuk ha Chees District now Hasper County as a Branch of Soo an low wa & Ste mal lah was her near neighbor, where she had a house and farm on which she lived continuously upwards of five years from the ratification of the said Treaty. She then moved to Talla ha la about eight miles where she continued to reside until her death about seven years ago. She moved on account of statements made by white men that all the land round about including her improvement had been sold which was generally the cause of removal about that time as declarant believes.

Chu wa te yoo (as declarant is advised and believes) within six months from the ratification of said Treaty signified her intention through Chich ah ho mah and Tobakah to Col. Ward the Agent, to remain and take the five years stay under the 14th article of said treaty, for particulars he refers to the General deposition of Chis he ah po mah and To tub bee taken and filed before the Board some time in June last.

Chu wa te yoo never received any Grant of land under any other article of the Treaty nor within five years from the ratification of the Treaty nor within five years from the ratification of said Treaty made any contract for the sale of her claim or land or for scrip in lieu thereof to his knowledge.

Sworn to and subscribed in open)
Court this 6th day of September, 1844)

Geo. S. Gaines

Wah li or Billy his X mark.

S. Rush.

Chu wa te yoo, a Widow Deed. represented)
by her Gradn Son Wah li or Billy)
(Case No. 808.)

Ah koo chan tuh bee a Witness produced on the part of the Claimant in the above case being duly sworn and examined Testifies as follows: that he is about 60 years old, knows the claimant and is not related to her.

The Treaty of Dancing Rabbit Creek was made about fourteen years ago when he knew the Claimant and her family well and lived about one mile from her, she was then a Choctaw head of a family and had living and unmarried with her one child, viz: Wah li or Billy then over Ten years old present. She then had a house and field on a Branch of Soo au Loowa Creek, Netuk ha chee'

District now Jasper County and Ste mal lah was her near neighbor where she resided continuously upwards of five years from the ratification of said treaty. She then moved to Tal la ha la about eight miles where she continued to reside until her Death about seven years ago, the cause of her removal was statements made by white men that they had bought all the land around about including Claimant's residence, which was the cause of nearly all of the Indians of that settlement moving which this affiant knows to be true as he himself was one of the number. Claimant nor her Grand Son Billy ever went West but have always remained in the Ceded Country, the Land was good.

At the Council held at Spana mingos the Spring after the Treaty he saw Claimant assisted by Chich ah ho mah make her sticks, which Chish ah ho mah together with To be kah went to the Agent Ward, to get the names of Six Towns registered to remain and take the five years stay under the 14th of said Treaty for whom sticks had been made when they returned they reported that Ward had registered some fifty or sixty families when he said he was busy that they must go home leave the stickes and he would register ^{all the names and they must come back again and see} all was right.

They went back again when (one was about knee high and on the way they learned the names had not been registered according to promise, when they again made stickes which they gave the agent Ward which he refused to register saying there

were too many of them. Claimant took no part of the annuity that year, has obtained no land under any other article of the Treaty, nor has she within five years made any sale or contract for the sale of her claim or Land or for scrip in lieu thereof to his knowledge.

Know no Choctaw who has been West returned and claimed land

There were other settlers in half mile of Claimant has not
idea who was first settler.

Ah koo chum tubbe his X mark

Sworn to & subscribed
before us this 6th day of
September 1844

Geo. S. Gaines.

S. Rush.

(COPY)

I-yah-hah aged about 70 years a female full blood Choctaw being interrogated says her name is I-yah-hah that she has one child living named Hoc-a-lo-ho-na a female at home living with her at the time of the treaty and has lost one child named Ille-po-na, a female, who was also living with her at the date of the treaty. Hoc-a-lo-ho-na was married at the time of the treaty her husband's name is Tusso-hah he is now living at home they are living together Hoc-a-lo-ho-na has one child living born since the treaty, named Billy has lost one child named Ho-tubbee also

born since the treaty. Ille-po-na was married to Hampay-a a long time before the treaty but is here at the Camp. Ille-po-na left two children now living, one at the camp here and one at home the one here is named Ogle-a-ma-po-na a female born before the treaty; the other now at home Stam-ta-ma a female born after the treaty; could just begin to run about at that time.

Colo: Fisher is her counsel - Pah-tubbee a witness for the claimant being first sworn by one of the Commissioners deposes as follows:

That he is acquainted with Iyah-hah-pas known her a great while; a long time before the treaty; she lives on a branch of Cain-ta-po-ka- called Eth-put-tuc-ish-co-cha (take the turkey wing and come out) about four and a half miles from him, and about twenty-three miles East from this place - Is well acquainted with her family sees them often; they frequently visit him. She had four children, two of them were registered with her. their names were Ille-po-na, the oldest now dead and Hoc-a-lo-ho-na were living at home Ille-po-na was about 20 years of age at the

been
date of the treaty, and had married, but at that time her husband
had put her away, and she had returned to her mother with
whom she lived till her death - Her husband's name is Cham-pay-
a, his name is somewhere on the list as the head of a family and
a claimant. He does not know how long it has been since he threw
away his wife but thinks it was something later than a year, before
the treaty. He married again just before the treaty.

Ille-po-na left two children who lived with her until she
died at her mother's since which they have lived with their
grandmother the claimant.

The name of the eldest child is Ogb-a-ma-hona (about 13
years old at this time in the opinion of Commissioners) a female
now present (pointing her out) she was not very large at the date
of the treaty does not know whether she was under or over ten
at the date of the treaty. The second (he cannot recollect her
name) now at home, was born before the treaty, but was under
ten at that time.

Claimant has another child now living named Hoc-a-la-ho-
na a female not present, at this time about 22 years of age, -
she is married to Tus-sa-pa was at home; he has been here, and
his claim has been before the Commissioners - Hoc-a-lo-ho-na
lived with her mother at the date of the treaty and was then un-
married.

I-yah-hah, had an improvement at the date of the treaty, a
house and field, on which she lived at that time, where she had

lived a great while before that time, and where she has continued to/live to this time.

Claimant at the date of the treaty had no husband he died a long time before then - his name was Ba-shishy stu-na-ha-jo.

The property on which she lives has never been sold by the Gouvernement so far as he knows.

I-yah-hah's name was on the list that he gave to Colo:

Ward she was not at Leflore's at the payment of the annuity, she was old and unable to walk. The number of her children was on the list handed to Ward - there were three put down. The grandchildren were not put down either by name or number. Turnbull told them it was not necessary to put down on the list the children under ten: they could put them down when they went to Colo. Ward's. There were no children of any person under ten, put on that list - only the heads of families and number of children over ten were put on that list.

Turnbull told them/ that only the heads of families, and the number of children over ten should be put on the list. He supposes he got this instruction from Colo. Ward. He supposes Ward was drunk and did not know what he was about.

The name of I-yah-pah's third child that was put on the list with her was Che-o-ka a female living with her mother at the date of the treaty. He formerly knew the name of her husband but has forgotten it. He has been run away a good while.

He supposes he is now living on Su-ka-nathhee. He thinks he

was living with his wife at her mother's at the date of the Treaty - after which he threw her away.

Che-o-ka has had a child since the treaty, by the husband he has spoken of and died soon after; he does not know its name it lives with I-yah-hah - Is a boy about 5 or 6 years old and is now here.

Claimant is the widow of his uncle Oush-ish-stu-na-hajo, has no interest in her claim - I-yah-hah belonged to Capt. Gobb's company at the date of the treaty.

Pahetubbee his X mark.

Taken & sworn to at

Leflores the 15

Jany. 1830, before us

P. D. Vroom.

J. Murray.

(COPY)

To-kah, deceased)
Case No. 986)

On examination of the evidence and papers filed in the case of To-kah, deceased No. 986 it appearing to the Board that said claimant complied or offered to comply with all the requisites of the 14th article of the Treaty of Dancing Rabbit Creek, and it further appearing that the section of land embracing the improvement of said claimant at the date of said

Treaty to wit, Section Thirteen (13) Township Nine (9) of Range Thirteen (13) East, has been in part disposed of by Government.

The Board in pursuance of and in conformity to the Act of Congress of the 23d August 1842, Do adjudge and allow to the heir or heirs of said claimant deceased, Six hundred and forty acres of land. To his child, Pis-sah-ka-to-nah One hundred and Sixty acres of land. To his child, Okah-in-chuk-mah One hundred and sixty acres of land, To be taken out of any of the public lands in the States of Mississippi, Louisiana, Alabama and Arkansas subject to entry at private sale.

Given under our hands and seals this fifth day of February Anno Domini 1845 at the city of Washington District of Columbia our place of session.

Wm. Tyler (Seal)

S. Rush. (SEal)

To kub bee or To kah, decd., by his widow Ah to kah ho' nah, a Choctaw and the Choctaw head of a family at the date of then Treaty of Dancing Rabbit Creek claims for himself a section of land under the 14th article of said Treaty including his then improvement or a portion of it the numbers of which were pointed out by I-em-e-tub-bee & I an ta tub bee to N. N. Daniels and by him taken and are designated in his deposition before Robert James Esqr. on the 12th day of August as she is advised and Believes.

Also claims adjoining lands for the following named children living with at the date of said Treaty & then unmarried to wit:

- 1 Pas sah ka to nah over 10 years at Treaty.
- 2 O kah in chuk mah over 10 " " "
- 3 You Wah under 10 " " "
- 4 Billy - under 10 " " "
- 5 To-tom-bee over 10 " " "

The State of Mississippi)
Jasper County) ss

This day personally came before me Robert James an acting Justice of the Peace in and for said county Ah-to-kah who being duly sworn says the facts set forth in the above application are true to the best of her knowledge information & belief.

Sworn & subscribed to) Ah to kah ho nah her X mark
this 12th day of August 1843)
before me Robert James)
an acting magistrate)
as aforesaid.)

To-kah deceased whose claims is represented by his widow Ah-to-kah-no-nah, alias ah-to-kah, being 5 feet & 1/2 inches high about 40 years of age, states that at the date of the Treaty of Dancing Rabbit Creek her said husband was a full blood Choctaw the head of a Choctaw family and had ^{then} living with him a wife this declarant and the following unmarried children to wit:

1 Pis ah ka to nah then under ten years old present

2 O-kah-in-chuk--mah then under ten years old present (in her application she put down You ah & Billy two of her children as having been born before the treaty - she then believed they were & were entitled to land but has since become satisfied that they were born since the treaty) when she put down the name of To lam bee in her family she believed it was right as she was the son of her sister by the same husband & was informed by her agent Kelly that they formed but one family - To kah then resided in Leflore's District now Newton County and Bun-ni-zah Creek, near Te wak ka, where he had an improvement on which he lived until his death about one year after the ratification of said treaty and where his said family continued to reside until about two years ago, when they moved to the Six Town Settlement in Jasper County where they have lived ever since.

To-kah within six months from the ratification of said treaty, he spoke to Yem e tub bee father Abbe ti yah & Piso no wak who went ^{over} to the annuity at Ben Leflore's where the Agent Ward then was to signify to him his intention to remain

and take the five year stay - He did not attend the council
at We ah te cah la he spoke to Ah be ti yah & Pis sah no wah,
his leader, to assist in getting his name registered.

He never received any grant of land under any other article
of said treaty and never to declarants knowledge, within five
years from the ratification of said treaty, made any contract
for the sale of his claim or for any scrip in lieu of land.

Ah to kah ho nab her X mark.

Sworn to and subscribed in
open court July 31st, 1844.

Geo. S. Gaines)
S Rush.)

To kah deed. by his)
widow Ah-to-kah-ho-nah)
alias Ah-to-kah)
Case No. 986.)

I-an-tah-tub-bee, a witness produced on the part of the claimant in the above case being duly sworn and examined testifies that he is about 60 years of age, and is distantly related to him - The Treaty of Dancing Rabbit Creek was made nearly fourteen years ago, when he knew him and his family well and lived about one mile from him) He was then a Choctaw head of a family and had a wife Ah-to-kah-ho-nah, Alias Ah-to-kah present, and Two unmarried children then living with him to wit -
1 Pis-sah-ka-to-nah, then under ten years of age - present.
Okah in Chick mah, then under ten years of age, present.
Claimant then had a house and field on Bun-ni-zah Creek, Le-flore's District now Neshoba County, and Ah-to-ne was his nearest neighbor. Claimant or family never went west, nor, left the ceded country but remained upon his place until his death, about one year after the Treaty, and his family lived there until about two years ago when they removed to the Six Town Settlement in Jasper County where they have resided ever since - the land was tolerably good - Witness heard To-kah speak to Abbe-ti-yah who went to the counsel at We-ah-te-cah-la, held about or a little after the middle of the summer, or next after the Treaty,

when & where the Mo-ga lushah people met to make arrangements to get their names registered for the five years stay, to get his name registered for the five years stay. He also saw him Abbe ti-yab at the annuity at Ben Leflores where Ward the Agent then was, when he attended for the purpose of getting his name & that of Zem me Tub bee & Tokah registered for the five years stay. He had spoken to Pis-ah-no-wah, his leader, to assist him upon their arrival at Leflores in getting their names registered. Claimant took no part of the annuity that year, obtained no grant of land under any other article of said Treaty, and made no contract, within five years from the ratification of said Treaty, for the sale of his land, claim or scrip to the knowledge of witness - knows no Choctaw who went west, has returned and claimed land.

(Cross examined by the Agent of the Board)

The husband of this wife had also for a wife, OOn-ah-ho-nah and he lived most with this wife - this Representative. Does not know that the representative of this claim made any paper writing in regard to her land within the said five years - You-wah & Billy are children and were put down in that way - They are their representatives children, and are small. None but the near neighbor lived within half a mile of claimant - Think he married Oon-ah-he-nah just before the Treaty and the child To tambee was born about half way from the Treaty to this time claimant. (Re-examined by the Claimant's Counsel)
Oo-nah-ho-nah lived within half a mile of I-an-ta-tubbee his X mark.

Sworn & Subscribed before me

this 31 day of July 1844

Geo. S. Gaines Comr. S. Rush.

COPY.

M C R 2769

Muskogee, Indian Territory, April 9, 1903.

William Crowther,

Bailey, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Crowther et al., embracing the following applications for identification as Mississippi Choctaws:

William Crowther, et al., M C R 2769
Bettie Trussell, et al., M C R 2772

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Crowther, Beatrice Crowther, Junie Crowther, Leona Crowther, Lula Crowther, Monroe Crowther, Bertha Crowther, Artis Crowther, Bettie Trussell, Newberry Trussell, Marshall Trussell, William Trussell, Alma Trussell, Lela Trussell, Olevia Trussell and Lorenza Trussell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days

-2-

from the date hereof within which to file arguments in this office,
and that at the expiration of said time the papers in the case, to-
gether with such arguments, will be forwarded to the Secretary of
the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.

Registered.

Chairman.

M C R 2769
COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Crowther, et al., embracing the following applications for identification as Mississippi Choctaws:

William Crowther, et al., M C R 2769
Bettie Trussell, et al., M C R 2772

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Crowther, Beatrice Crowther, Jude Crowther, Leona Crowther, Lula Crowther, Monroe Crowther, Bertha Crowther, Artis Crowther, Bettie Trussell, Newberry Trussell, Marshall Trussell, William Trussell, Alma Trussell, Lela Trussell, Olivia Trussell and Lorenza Trussell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be for-

-2-

warded to the Secretary of the Interior through the Commissioner
of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby

Chairman.

COPY.

Waskago, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Growther, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William Growther, et al., M.O.R. 2769;
Bettie Trussell, et al., M.O.R. 2772.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tamie Birby

Chairman.

Through the
Commissioner of Indian Affairs.

Enc.: M.O.R. 2769.

LAND/
RECEIVED

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the proceedings before the Commission to the Five Civilized Tribes in the matter of the application of William Crowther, for the identification of himself and his seven minor children, Beatrice, Junie, Leona, Lula, Menree, Bertha and Artis Crowther, and of Bettie Trussell, for the identification of herself and her husband, Newberry Trussell, and her six minor children, Marshall, William, Alma, Lola, Olevia, and Lorenza Trussell, all as Mississippi Cheetaws.

On April 9, 1903, the Commission rendered a decision in this case, finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Cheetaws entitled to rights in the lands of the Cheetaw Nation by reason of the provisions of the fourteenth article of the Cheetaw Treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the applicants in M.C.R. 2769, and the principal applicant in M.C.R. 2772, claim their rights in the lands of the Choctaw Nation by reason of being descendants of Wallace, or Wallace Porter, who is alleged to have been a full blood Choctaw Indian; that Newberry Trussell, the husband of the principal applicant, in M.C.R. 2772, claims said rights by reason of being a descendant of Billy, who is alleged to have been a full blood Choctaw Indian, and Lucy Trussell, who is alleged to have been a half blood Choctaw Indian, and the minor applicants applied for in M.C.R. 2772, claim said rights by reason of being the descendants of all of the above named ancestors; but there is no evidence submitted in the record which shows that any of said ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or secured a patent for land, or scrip in lieu thereof, thereunder.

An examination of the office records discloses affidavits which the office deems worthy of submitting, copies of which are enclosed herewith for your consideration.

It will be noted that the claimant William Crewther says he is 55 years old, and that his father's name was Wallace.

The claimant Bettie Trussell says she is 40 years old and that her father's name was Wallace.

The aforesaid affidavits show that there was a Wallace, a Choctaw Indian, living about 1838, and about 13 years old in 1830, and that there was a Choctaw Indian, age not given named Wallace, son of Ah-sha-ta-tubbee, the deceased child of Lah-po-ka.

While the record evidence fails to show conclusively that these claimants are the children of said Choctaw Indian named Wallace, yet the facts seem to substantiate their claim to some extent. The Commission says these applicants are the descendants of mixed blood ancestors, and that they show Indian blood; that William Crowther has a smattering of Choctaw words. Their ages being 55 and 40 would indicate that they might be the children of one of the Wallaces mentioned in said affidavits. The office further considers that there should be witnesses yet living who can fully substantiate or disprove their claim, and that further effort should be made by the Commission to obtain the facts in the case.

The applicant Bettie Trussell also claims that her husband, Newberry Trussell, is a descendant of a Mississippi Choctaw, but furnishes no proof that he or any of his ancestors ever complied with the provisions of the fourteenth article of the Choctaw treaty of 1830. She states that she thinks his father was named Billy, and that he was a full blood, and that his mother Lucy was a half blood. The age of the husband is not given, and her testimony shows

that she is uncertain as to the name of his father, and knows but little about his ancestors.

Said affidavits show that Heck-a-lo-he-ma, daughter of I-yah-hah, had a child in 1835 named Billy, and that he was born after the date of the treaty; that To-kah, deceased Cheotaw, had a child named Billy under ten years of age at date of treaty, and that Ohe-wa-to-you, had a grandson named Billy, or Wah-li, who was forty years old at date of treaty.

It would seem that one of these Billies might have been the ancestor of the said Newberry Trussell, but there is certainly nothing in the record showing that fact, but further investigation can be had together with the investigation above recommended.

Very Respectfully,

(Signed)

W.A. Jones,

Commissioner.

W.C.B.-O.

D.C.24353.
ITD.5810-1903.
L.R.S.

WCF.
FAP.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 28, 1903.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

With your letter of April 25, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of William Crowther and his minor children, Beatrice, Junie, Leona, Lula, Monroe, Bertha and Artis Crowther; and of Bettie Trussell, and her husband, Newberry Trussell, and her minor children, Marshall, William, Alma, Lela, Olevia and Lorenza Trussell,. By decision dated April 9, 1903, you rejected the applicants.

The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wallace, an alleged full blood Choctaw Indian, or Billy, an alleged full blood Choctaw Indian, or Lucy Trussell, an alleged one-half blood Choctaw Indian.

In your decision you state that the names of Wallis (or Wallace), and Billy appear upon the records in your possession.

Reporting July 22, 1903, the Acting Commissioner

of Indian Affairs submits copies of certain affidavits which appear on the records of the Indian Office, concerning persons whose names are identical with the names of the ancestors through the applicants claim, and recommends that the case be returned to you for further investigation. A copy of his letter is inclosed.

The Department concurs in said recommendation and the case is hereby remanded for appropriate action. In further investigating the case it is desired that you follow so far as applicable, the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Respectfully,

(Signed) E.A. Hitchcock,
Secretary.

3 inclosures

M C R 2769

Muskogee, Indian Territory, September 18, 1903.

William Crowther,
Bailey, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of August 28, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of William Crowther, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wallace, an alleged full blood Choctaw Indian, or Billy, an alleged full blood Choctaw Indian, or Lucy Trussell, an alleged one-half blood Choctaw Indian.

In your decision you state that the names of Wallis (or Wallace), and Billy appear upon the records in your possession. Reporting July 22, 1903, the Acting Commissioner of Indian Affairs submits copies of certain affidavits which appear on the records of the Indian Office, concerning persons whose names are identical with the names of the ancestors through whom the applicants claim, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

W C 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

W C S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 19, 1903, hear the testimony of such persons as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep

Registered

M C R 2769

Muskogee, Indian Territory, September 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of August 28, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of William Crowther, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

In accordance with the instructions above referred to you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 19, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On April 25, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of William Crowther, et al., together with its decision of April 9, 1903, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

With departmental letter of August 28, 1903 (I T D 8810-1903), the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on September 18, 1903, notified the applicants that they would be allowed up to and inclusive of Monday, October 19, 1903, to introduce additional evidence in support of their application for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by

-3-

them, the original record in said case, together with copies of notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 1

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
69546-1903.

WASHINGTON, November 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit letter of the Commission to the Five Civilized Tribes, of October 23, 1903, saying that with Departmental letter of August 28, 1903, (ITD 5810-1903), the record in the case of William Growther et al., applicants for identification as Mississippi Choctaws, was remanded to the Commission in order that the applicants might be granted further opportunity to introduce evidence.

In accordance therewith the Commission, on September 18, 1903, notified the applicants that they would be allowed up to and inclusive of Monday, October 19, 1903, to introduce additional evidence in support of their application for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the Attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants up to and inclusive of October 23, 1903, and no additional testimony having been offered by them, the

original record in the case, together with copies of notices furnished the applicants and the Attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission.

The record in this case shows that the applicants base their claim to a right to identification as Mississippi Choctaws on their descent from ancestors named Wallace, or Wallace Porter, Lucy Trussell, and Billy, (no surname), all of whom are alleged to have been Choctaw Indians and residents of the Choctaw Nation in Mississippi or Alabama in 1830.

William Crowther, who was one of the witnesses in this case, testified that his ancestor did not receive land under the fourteenth article of the Choctaw treaty, nor could he give the name or names of a Choctaw ancestor or ancestors who were members of the Choctaw tribes in 1830, and he had no knowledge as to whether they were recognized as citizens of the Choctaw Nation.

The original record in this case was not sufficient to connect these persons with either of the persons named Billy, -therebeing three- or with either of the persons named Wallace, -there being two- in behalf of whom scrip was issued under the fourteenth article of the Choctaw treaty of 1830, and for that reason the case was returned,

in order that supplemental proof might be furnished, if such were possible, and if the facts warranted, to show that the ancestors of these persons were identical with one or more of the persons in behalf of whom scrip was issued.

The name of Lucy Trussell does not appear, neither does the name of any other person of the surname of Trussell appear as having been a beneficiary under the fourteenth article of the Choctaw treaty, or who complied or attempted to comply with the provisions of the fourteenth article, or who was a citizen of the Choctaw Nation in Mississippi or Alabama in 1830.

The applicants having been accorded a further opportunity to introduce evidence in order to establish their claims, and having failed to take advantage of that opportunity, or to show cause why the requirements could not be complied with, it is evident to me that the Department has discharged its full duty to them, and I therefore recommend that the original decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

EBH-0.

(COPY).

WCF.
OMR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 2, 1903.

D.C. 33637-1903.

ITD. 8400-1903.

L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

With your letter of October 23, 1903, you resubmitted the record in the consolidated Mississippi Choctaw case of William Crowther et al.

The applicants base their claims to the right to identification as Mississippi Choctaws on their descent from Wallace, an alleged full blood Choctaw Indian, or Billy, an alleged full blood Choctaw Indian, or Lucy Trussell, an alleged half-blood Choctaw Indian.

Your decision rejecting the applicants was dated April 9, 1903.

On August 28, 1903, the Department remanded the case to you in order that the applicants might be granted further opportunity to introduce further evidence.

It appears from your letter of October 23, 1903, resubmitting the case that on September 18, 1903, the applicants were notified that they would be allowed until October 19, 1903, to introduce additional evidence in support of their application; that during said time no appearance was entered by or

on behalf of the applicants, and no additional testimony offered by them.

Reporting November 27, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. The Department considers that the interests of the applicants have been duly protected and therefore concurs in the recommendation of the Commissioner of Indian Affairs.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 2769.

COPY.

Muskogee, Indian Territory, December 11, 1903.

William Crowther,
Bailey, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Crowther, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED) *James Pickens*
Chairman.

COPY.

M.C.R. 2769.

Muskogee, Indian Territory, December 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Crowther, et al., of which decision you were advised by mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Wallace (fb.)
dead
(or Wallace Porter)
wife
↓
Leila Crowther
(negro-slave) - dead -

<div> <div>men 2769</div> <div>William Crowther 55-$\frac{1}{2}$</div> <div>wife</div> <div>Mollie Crowther</div> </div>	<div> <div>men 2769</div> <div>Beatrice Crowther 19</div> </div>
	<div> <div>men 2769</div> <div>Junie " 14</div> </div>
<div> <div>men 2772</div> <div>Bettie Crowther 40-$\frac{1}{2}$</div> <div>mar</div> <div>† Newberry Trussell $\frac{3}{4}$</div> </div>	<div> <div>men 2772</div> <div>Leona " 12</div> </div>
	<div> <div>men 2772</div> <div>Lula " 9</div> </div>
<div> <div>men 2772</div> <div>Marshall Trussell 20</div> </div>	<div> <div>men 2772</div> <div>Monroe " 8</div> </div>
	<div> <div>men 2772</div> <div>Bertha " 5</div> </div>
<div> <div>men 2772</div> <div>William " 18</div> </div>	<div> <div>men 2772</div> <div>Artis " 3</div> </div>
	<div> <div>men 2772</div> <div>Alma " 14</div> </div>
<div> <div>men 2772</div> <div>Lela " 9</div> </div>	<div> <div>men 2772</div> <div>Olevia " 7</div> </div>
	<div> <div>men 2772</div> <div>Loranza " 3</div> </div>

† Clarina for husband
father = Billy (fb.)
mother = Lucy Trussell $\frac{1}{2}$

#1018

No. 101

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name William Crowther

Age 55 - Blood 4/2

Post Office, Bailey, Miss

Father: Wallace, f. b. d.

Mother: Leila Crowther, ^{negro} d.

Claims through father
wife Mollie

No claim for her (wife)

Children:

Beatrice	19
Junie (boy)	12 14
Leona (girl)	12
Lula	9
Mourge	8
Bertha	6
Artie	3

Claims for self
and children

Stenographer D. J. Miles

Choctaw MCR 2770

Alfred Armstrong

MCR 2770

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Alfred Armstrong for the identification of himself and eight minor children as Mississippi Choctaws.

Said Alfred Armstrong, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Alfred Armstrong.
Q What is your age? A Forty seven.
Q What is your postoffice address? A Silver Creek, Lawrence County, Mississippi.
Q Where were you born? A Lawrence County.
Q Always lived there? A Yes sir.
Q What is your father's name? A Ransom Armstrong.
Q Is he living? A No sir, dead.
Q What is your mother's name? A Caroline Armstrong.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A I claim one-fourth.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Margaret.
Q Is she a negro woman? A Yes sir.
Q You don't make claim for her, do you? A No sir, just for myself and children.
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q Give me the name of the eldest, unmarried and under 21? A Willie.
Q Boy? A Yes sir.
Q How old? A Nineteen.
Q Next? A Willie.
Q Boy? A Yes sir.
Q How old? A Seventeen.
Q Next? A Jodie.
Q Boy? A Yes sir.
Q How old? A Fifteen.
Q Next? A Artemitia.
Q Girl? A Yes sir.
Q How old? A Thirteen.
Q Next? A Henry.
Q How old? A Eleven.
Q Next? A Simon.
Q How old? A Nine.
Q Next? A Vanlus.
Q How old is Vanlus? A Five.
Q Next? A Kelly F.
Q Is that a boy? A Yes sir.
Q How old? A Three.
Q Any more? A Yes sir, one more.

Q How old is baby? A Two weeks old.

Q What is its name? A Samuel.

Q Is that all the children you have under 21 years of age and unmarried? A Yes sir, that's all.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory to be admitted or enrolled as members of that Tribe? A No sir.

Q Did you or did anyone for you or your children in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Dawes Commission? A No sir.

Q Have you ever been admitted, with your children, to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to any authority whatever for citizenship or membership in the Choctaw Nation? A No sir.

Q Is this the first application of any kind that you have ever made? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim this right for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A Not as I know of.

Q Can you give me the name of any of your ancestors who were Choctaw Indians and recognized members of the Choctaw Tribe in 1830? A My grandmother.

Q What is her name? A Fiedie Jeffreys.

Q Was she a full blood Choctaw Indian? A I think she was half.

Q Did she go from Mississippi or did any others of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know about that.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not as I know of.

Q Can you speak the Choctaw language? A No sir.

Q Is there anything more you want to say about your claim? A No sir.

A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir. I had them before I left home but I forgot them.

Q Do you want time in which to present them? A Yes sir.

Thirty days time is allowed this applicant in which to file documentary or other evidence in support of this application.

Alfred Armstrong et al---5

This applicant has the appearance of a full blood negro. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application, and the application you make on behalf of your eight minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.

Mark
Notary Public.

Muskogee, Indian Territory, November 20, 1901.

J. E. Arnold,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 18, with which you inclose the affidavits of Millie Saddle to be filed in support of the following applications for identification as Mississippi Choctaws:

~~George~~ Armstrong, et al.
Thomas E. Armstrong, et al.
Elizabeth Price, et al.
Annie Barnes, et al.
Jane Hall, et al.
Alfred Armstrong, et al. 777

Also copy of a marriage certificate between Alfred Armstrong and Nellie Gadeney, which you submit for filing in support of the application for identification as Mississippi Choctaws of Alfred Armstrong, et al.

These papers have been duly filed with the other records in these cases and will receive consideration in the disposition of these applications.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, December 20, 1902.

Alfred Armstrong,
Silver Creek, Mississippi.

Dear Sir:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caroline Armstrong, et al., embracing the following applications for identification as Mississippi Choctaws:

Caroline Armstrong, et al.,	M.C.R. 1853
Carrie Ann Armstrong,	M.C.R. 2139
Jane Hall, et al.,	M.C.R. 2774
Jerry Howell,	M.C.R. 2140
Martha Lucas,	M.C.R. 2142
Eli J. Lucas,	M.C.R. 2145
Henry Armstrong, et al.,	M.C.R. 2141
Alfred Armstrong, et al.,	M.C.R. 2770
Annie Barnes, et al.,	M.C.R. 2780
Elizabeth Price, et al.,	M.C.R. 2779
Thomas E. Armstrong, et al.,	M.C.R. 2144
Simon Armstrong, et al.,	M.C.R. 2775
Jeff M. Armstrong, et al.,	M.C.R. 2143

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Alfred Armstrong-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Armstrong, Jeffrey Armstrong, Carrie Ann Armstrong, Jane Hall, Fannie Hall, Arthur Hall, Jesse Hall, Clara Hall, Javus Hall, Carrie Hall, Laroncy Hall, Owen Hall, Jerry Howell, Martha Lucas, Eli J. Lucas, Henry Armstrong, Susanne Armstrong, Simon Armstrong, War-cisse Armstrong, Mabelle Armstrong, Jeffrey Armstrong (No. 2), Lena Armstrong, Reina Armstrong, Ina Armstrong, Alfred Armstrong, Willie Armstrong, Willie Armstrong, Jodie Armstrong, Artemitia Armstrong, Henry Armstrong (No. 2), Simon Armstrong (No. 2), Vanlus Armstrong, Nolly F. Armstrong, Samuel Armstrong, Annie Barnes, Tommy Barnes, Mary Barnes, William Barnes, Elizabeth Price, Mattie Price, Thomas E. Armstrong, Ransom Armstrong, Nora Armstrong, Mary Armstrong, Martha Armstrong, Mattie Armstrong, Verdie Armstrong, Alonzo Armstrong, Eli Armstrong, Tad Armstrong, Simon Armstrong (No. 3), Caroline Armstrong (No. 2), Mary Armstrong (No. 2), Julia Armstrong, David Armstrong, Mathalia Armstrong, Jeff M. Armstrong, James Armstrong and Joseph Armstrong as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

COMMISSIONER IN CHARGE.

Registered.

N. C. R. 2770

COPY.

Muskegee, Indian Territory, July 17, 1903.

Alfred Armstrong,
Silver Creek, Mississippi.

Dear Sir:-

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caroline Armstrong et al., of which decision you were advised by registered mail on the 20th day of December, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

A MISSISSIPPI CHOCTAW 8.2770

Alfred Armstrong et al

DECISION RENDERED. JUL 10. 1902

1853

#1019

No. 2770

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name *Alfred Armstrong*

Age 47 Blood $\frac{1}{4}$

Post Office, *Silver Creek, Miss*

Father: *Ransom Armstrong*

Mother: *Caroline*

Claims through *mother*
wife *Margaret - negro*

No claim for her (wife)

Children: *Millie boy 19*
Kellie boy 17
Jodie " 15
Artemitia — 13
Henry — 11
Simon — 9
Vanlus — 5
Holly F. boy - 3
Samuel — " 2 weeks

Claims for self &
children

Stenographer *J. S. Niles*

Choctaw MCR 2771

Betsey Anderson

MCR 2771

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Betsey Anderson for
identification as a Mississippi Choctaw, M C R 2771.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Betsey Anderson.

Page.

Original application of Betsey Anderson before the Dawes
Commission for identification as a Mississippi Choctaw 1

Decision of the Commission refusing the application of
Betsey Anderson for identification as a Mississippi Choctaw 4

DEPARTMENT OF THE INTERIOR,
GO MISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Betsey Anderson for identification as a Mississippi Choctaw.

Said Betsey Anderson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Betsey Anderson.
Q What is your age? A Forty.
Q What is your postoffice address? A Toomsuba, Mississippi.
Q How long have you lived there? A About four years.
Q Where were you born? A I was born about five miles from Toomsuba.
Q In what County is that? A I don't know what County.
Q You have lived all your life at or near Toomsuba, have you?
A Yes sir.
Q What is your father's name? A His name Dick Gordon.
Q Is he living? A No sir.
Q What is your mother's name? A Clarissa Gordon.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A One eighth, she was a quarter, grandfather was a half.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by either the Choctaw Tribal authorities or the authorities of the United States? A No sir, she died but left me small.
Q Are you married? A Yes sir.
Q Do you claim for your husband? A No sir.
Q Have you any children? A No sir, my children are dead.
Q You just claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a member of that Tribe?
A No sir.
Q Did you or did anyone for you in the year 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A Not as I know of.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A Not as I know of.
Q Have you ever made application before this time to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?
A This is my first time.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you make this claim as a beneficiary under article 14 of the treaty of 1830? A Yes sir.
Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Betsy Anderson---2

Q Can you give me the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830, and who were recognized members of the Choctaw Tribe of Indians at that time, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation and the United States Government?

A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory with the other Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi, take land there, and become citizens of the United States? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir, I have been mostly with white people. I haven't been much with the Indians.

Q Are there any further statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to file documentary evidence in support of this application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary evidence in support of her claim.

This applicant has the appearance and characteristics of a person descended from negro ancestry. She has some of the physical characteristics indicative of Indian blood. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your post office address as given in your testimony at this time.

Ira, G. Niles, being first duly sworn, states that as stenogra-

Deputy Assessor

that to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings of said date.

E. J. Hines

Subscribed and sworn to before me this the 15th day of July, 1901,
at Meridian, Mississippi.

[Signature]
Notary Public.

L. G. D.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Betsey Anderson for
identification as a Mississippi Choctaw, N O R 2771.

DECISION.

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Betsey Anderson for herself under the following provision of
the act of Congress approved June 22, 1898, (30 Stat., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other
acts necessary thereto, and make report to the Secretary of
the Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of one Clarissa Gordon, who is alleged to have been an one-
fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Clarissa Gordon signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 100), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Betsey Anderson as a Choctaw Indian entitled to rights in the

Chester lands under the provisions of said article fourteen of
the treaty of eighteen hundred and thirty, and that the application
for his identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.


COMMISSIONER.

McAlester, Indian Territory,

OCT 17 1902

C O P Y

DEPARTMENT OF THE INTERIOR

Land

Office of Indian Affairs

67770-1902

Washington, February 2, 1902

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Betsey Anderson, for identification as a Mississippi Choctaw, wherein a decision adverse to her was rendered by the Commission October 17, 1902.

The testimony in this case shows that the applicant bases her claim to identification as a Mississippi Choctaw under this application because of her descent from Clarissa Gordon, her mother. The Commission rejected the applicant because the name of her mother under whom she claims does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicant herself had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Clarissa Gordon, and it is discovered that her name does not appear among the names of those who

complied or attempted to comply with the provisions of the 14th article of the said treaty. As the applicant does not know the name of an ancestor more remote than her mother, it is impossible to make an examination in reference to such ancestors as she may have had living in Mississippi in 1830. These being the facts it is evident that the decision of the Commission rejecting the party is correct, and I concur in that finding and recommend its approval.

Very respectfully

A. C. Tonner

Acting Commissioner

C. T. G (R.)

Muskogee, Indian Territory, October 17, 1902.

Betsy Anderson,
Toomsaba, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Betsy Anderson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Betsy Anderson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

Notice Amended

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE)

Tamm Dixby

Acting Chairman

Registered.

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Betsey Anderson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Betsey Anderson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

M. Hall & Co.

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

There is transmitted herewith the record in the case of Betsey Anderson, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 17th, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixie.

Acting Chairman.

Through the
Commissioner of Indian Affairs,
Enc. M C R 2771.

C O P Y

D.C. 4598

DEPARTMENT OF THE INTERIOR

Washington,

BAF

I.T.D. 1134-1903
LR S

February 13, 1903

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:-

November 3, 1902, you transmitted the record in the matter of the application for identification of Betsey Anderson as a Mississippi Choctaw, including your decision of October 17, 1902, refusing the application.

The applicant claims rights in Choctaw lands by reason of being a descendant of one Clarissa Gordon, who is alleged to have been a one-fourth blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Clarissa Gordon complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837(5 Stat. 180) and August 23, 1842(5 Stat. 513).

Reporting in the matter February 2, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms the decision rendered.

Respectfully,

1 inclosure

(Signed) Thos Ryan
Acting Secretary

COPY.

M.C.R. 2771

Muskogee, Indian Territory, February 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Betsey Anderson, of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

Tame Bixby.
Chairman.

COPY.

M.C.R. 2771

Muskogee, Indian Territory, February 26, 1903.

Betsy Anderson,

Teemsuba, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully, ~~JAMES BIXBY~~

James Bixby
Chairman.

#1020

No. 1

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name *Petsey Anderson*

Age *40* - Blood *1/8*

Post Office, *Doonouba, Miss*

Father: *Rich Gordon, d*

Mother: *Clarissa, d*

Claims through *Mother*

~~Children:~~

For self alone.

Stenographer *J. J. Miles*

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

2771

Patsy Anderson
REFUSED

DECISION RENDERED. **OCT 17 1902**

NOTICE OF DECISION MAILED APPLICANT.

OCT 17 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT

RECORD FORWARDED DEPARTMENT.

NOV 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 13 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 26 1903

Choctaw MCR 2772

Bettie Trussell

MCR 2772

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Bettie Trussell for the identification of herself, her husband and six minor children as Mississippi Choctaws.

Said Bettie Trussell, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Bettie Trussell.
Q What is your age? A Forty.
Q What is your postoffice address? A Bailey, Lauderdale County, Mississippi.
Q How long have you lived there? A Eleven years.
Q Where were you born? A Born in Neshoba County, in the corner of Neshoba County.
Q You have always lived near where you do now? No sir, I was away once.
Q You have been away from home where? A I only went to Vicksburg on a visit.
Q Your husband belongs to what band of Choctaw Indians, does he belong to the Bogus Chittens? A I don't know.
Q Do you know any Indians out there where you live that have not come before the Commission and will not come? A Yes sir, I know of several that wouldn't come.
Q Do you know why they won't come? A I don't know, they are afraid to come.
Q What is your father's name? A Wallace.
Q Is that the full name? A Yes sir, the Indians don't have but one name.
Q Is he living or dead? A Dead about twenty years.
Q How much Indian blood did he have? A He was a full blooded Indian.
Q What was your mother's name? A Leila.
Q Is that the only name she had? A Leila Growther.
Q Is she living? A No sir, been dead a long time.
Q How much Indian blood did she have? A She didn't have any.
Q She was a negre was she? A Yes sir.
Q Then you take your Choctaw blood from your father? A Yes sir.
Q How much do you claim? A He was whole Indian.
Q And you claim one-half? A Yes sir.
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in the Indian Territory? A No sir, they was all raised here I suppose. He got killed playing ball with the other Indians.
Q What is your husband's name? A Newberry Trussell.
Q You don't claim for him, do you? A Yes sir, I will claim for him.
Q What is his father's name? A I don't know for certain but I think they called him Billy.
Q Is he dead? A Yes sir, been dead a long time.
Q Was he a full blood? A Yes sir.
Q What was his mother's name? A Lucy Trussell.

Bettie Trussell et al--2

Q Is she dead? A Yes sir.
Q Full blood? A She was half Indian, his mother was.
Q He claims his blood then through both father and mother? A Yes sir.
Q Do you know whether his father and mother, through whom you claim for him the right to identification as a Mississippi Choctaw, have ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the United States authorities? A No sir, I don't know.
Q When were you married to your husband? A I was married in 1891.
Q How were you married, under a license? A Yes sir.
Q Who married you, a minister? A Yes sir, Preacher Kelly.
Q Give me the names of your children under 21 years of age and unmarried? A I haven't any of age.
Q What is the name of the eldest? A Marshall.
Q How old? A Twenty.
Q Give me the name of the next? A William.
Q How many children have you? A Six.
Q How old is William? A Eighteen.
Q Next? A Alma.
Q How old? A Fourteen.
Q A girl? A Yes sir.
Q Next? A Lela.
Q How old? A Nine.
Q Next? A Glavia.
Q How old? A Seven.
Q Next? A Lorenna.
Q How old? A Three.
Q Is that all? A Yes sir.
Q Is Newberry Trussell the father of those children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they all living with you at your home? A Yes sir.
Q You claim to be one-half Choctaw, do you not? A Yes sir, I reckon my father was whole Indian; I reckon that makes me half.
Q Your mother was a negro? A Yes sir.
Q Were either your father or mother slaves before the war? A My father wasn't.
Q Was your mother? A Yes sir.
Q Do you remember the time when your father was killed as the result of a dispute about a ball game? A Yes sir, I remember but I was small.
Q Who killed him? A I don't know, but he was an Indian.
Q Is your name or the name of your husband or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for yourself, your husband or any of your children to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No sir.
Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship for yourself, your husband and children in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted, or your husband or children, to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time either for yourself, your husband or children, or has your husband made application

Bettie Trussell et al---3

for himself to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have ever made of any kind?

A Yes sir.

Q Do you now seek to be identified as Mississippi Choctaws? A Yes sir.

Q Do you make this claim for yourself, your husband and children as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors, or your husband or his ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors or your husband's ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Tribe of Indians?

A My father didn't have no kin people, he was a kind of tramp Indian.

Q Do you know the names of his father and mother? A No sir, he had no relation.

Q Do you know who your husband's grandfather and grandmother were?

A No sir, I don't know.

Q You say his father was Billy and he was a full blood, do you know his father's or mother's names? A His mother come from North Carolina and he was born here.

Q You don't know much about it, do you? A No sir.

Q Do you know whether any of your ancestors, or your husband's ancestors, if Choctaw Indians, ever went from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the Indian Territory between the years 1833 and 1838 when the other Indians went to the Territory? A No sir, I never heard tell of none of the Indians going until about ten or eleven years ago and then I heard of their going to Philadelphia. They didn't go out to the Territory.

Q Did any of your ancestors or your husband's ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors or your husband's ancestors ever received or claimed any land as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir, I was raised up among negroes and white folks.

Q Does your husband speak Choctaw? A No sir.

Q How does it happen he doesn't talk Choctaw? A He was an Indian and was raised up among other folks.

Q Are there any additional statements you want to make now in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents or any proper papers showing that any of your ancestors or your husband's ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want additional time in which to file documentary evidence in your case? A Yes sir.

Bettie Trussell et al--4

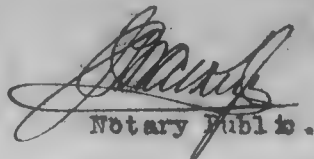
Thirty days time from the date hereof is allowed this applicant in which to file documentary evidence in support of this claim.

This applicant has the appearance of a person descended from an ancestry of mixed blood, composed of negro and Indian. She has thin nostrils and high cheek bones, thin lips; more the color of an Indian, that is red, then the color of a negro. In her features she shows Indian blood, in her hair she shows some negro. She has no knowledge of the Choctaw language and no knowledge of the compliance of the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application, which you make for yourself, your husband and six minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28th, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of July, 1901, at Meridian, Mississippi.


Notary Public.

M C R 2772.

COPY.

Muskogee, Indian Territory, April 9, 1903.

Bettie Trussell,

Bailey, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Crowther, et al., embracing the following applications for identification as Mississippi Choctaws:

William Crowther, et al., M C R 2769
Bettie Trussell, et al., M C R 2772

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Crowther, Beatrice Crowther, Junie Crowther, Leona Crowther, Lula Crowther, Monroe Crowther, Bertha Crowther, Artis Crowther, Bettie Trussell, Newberry Trussell, Marshall Trussell, William Trussell, Alma Trussell, Lela Trussell, Olevia Trussell and Lorena Trussell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M C R 2772

Muskogee, Indian Territory, September 18, 1903.

Bettie Trussell,

Bailey, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of August 28, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of William Crowther, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Wallace, an alleged full blood Choctaw Indian, or Billy, an alleged full blood Choctaw Indian, or Lucy Trussell, an alleged one-half blood Choctaw Indian.

In your decision you state that the name of Wallis (or Wallace), and Billy appear upon the records in your possession. Reporting July 22, 1903, the Acting Commissioner of Indian Affairs submits copies of certain affidavits which appear on the records of the Indian Office, concerning persons whose names are identical with the names of the ancestors through whom the applicants claim, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

B T 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

B T S

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 19, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

U.C.R. 2772.

Muskogee, Indian Territory, December 11, 1903.

Bettie Trussell,

Bailey, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Crowther, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

Tamc Bixby
Chairman.

A MISSISSIPPI CHOCTAW

Bettie Trussell, et al

REFUSED

D. O. D. D. D. D.

APR 11 1903

RECEIVED

APR 11 1903

FORWARDED

APR 11 1903

RECEIVED

APR 11 1903

RECOMMENDED BY THE SECRETARY OF THE
INTERIOR FOR FURTHER HEARING.

RECEIVED

RECORD FORWARDED

OCT 21 1903

ACTION

DEC 2 1903

FORWARDED

DEC 1 1903

ACTION
MISSISSIPPI CHOCTAW

FOR
AND

DEC 1

REFER TO

#1021

No.

For Identification as a Mississippi Choctaw.

Date JUN 28 1901
JUN 28 1901

Name Bettie Trussell

Age 40 - Blood 1/2

Post Office, Bailey, Miss

Father: Wallace ^{blood} d.

Mother: Leila ^{blood} Crowther, d.

Claims through father
Husband Newberry Trussell ^{3/4}

~~No claim for husband~~
father - Billy - (d) (f. b.)
mother - Lucy Trussell (d) 1/2 ch

Children:

Marshall -	20
William - (unc)	18
Alma -	14
Lela -	9
Olevia -	7
Louiza -	3

Claims for self,
husband and
children

Stenographer D. S. Miles.

Choctaw MCR 2773

Mary Gibson

MCR 2773

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Gibson for
identification as a Mississippi Choctaw, K U R 2773.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Mary Gibson.

	Page.
Original application of Mary Gibson before the Dawes Commission for identification as a Mississippi Choctaw	1
Affidavit of Robert Austin, marked "Exhibit A"	4
Affidavit of Robert Austin, marked "Exhibit B"	5
Decision of the Commission refusing the application of Mary Gibson for identification as a Mississippi Choctaw	6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Mary Gibson for identification as a Mississippi Choctaw.

Said Mary Gibson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Gibson.
Q What is your age? A Sixty.
Q What is your postoffice address? A Tuscaloosa, Alabama.
Q Where were you born? A Lynchburg, Virginia.
Q How long did you live in Virginia? A My mother was carried there and I was born there and I left there when I was thirteen.
Q Where did you go? A Was in Tuscaloosa in 1850.
Q Have you lived there ever since? A Yes sir.
Q What is your father's name? A They always called him Red Cory.
Q Is he living? A No sir.
Q What is your mother's name? A Katie Garland.
Q Dead or living? A Dead.
Q Through which one of these parents do you claim Choctaw blood?
A Both.
Q How much Choctaw blood do you claim? A Both half breed.
Q How much do you claim? A I don't know, I guess I would be half breed too.
Q Were your father and mother married? A No sir.
Q Was Red Cory a slave before the war? A He was made a slave; he was captured.
Q Was your mother a slave before the war? A Yes sir.
Q Were you a slave before the war? A Yes sir.
Q What was Red Cory's other blood? A I think it was negro.
Q And your mother? A Negro.
Q Both one-half Indian and half negro? A Yes sir.
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities?
A As far as I know they was.
Q They never went out to Indian Territory, did they? A No sir.
Q Is your husband dead? A Yes sir.
Q And you have no children? A No sir, none that are single.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory to be enrolled as a member of that Tribe?
A No sir.
Q Did you or anyone for you in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir, in no way.
Q Have you ever made application before this time either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?
A This is the first time.

Mary Gibson---2

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your rights as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who members of the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw Tribe of Indians in 1830 at the time when the treaty of Dancing Rabbit Creek was ratified between the Government of the United States and the Choctaw Tribe of Indians? A No sir.

Q Did any of your ancestors remove from Mississippi or Alabama to the present Choctaw Nation in Indian Territory when the other Indians went there between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your ancestors receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir, my father could speak it but I couldn't and neither could my mother.

Q You say your father could speak it? A Yes sir.

Q How did he, a Choctaw Indian, happen to be in Virginia; did he ever live in Virginia? A No sir, they moved out from Mississippi and went to Randolph Macon College, Virginia.

Q Did your father originally come from Mississippi? A I always heard my mother say he was in Mississippi.

Q Was she married to him in Mississippi or Alabama? No sir, weren't married at all. Lived with him in Mississippi.

Q Did she ever live with him in Virginia? A No sir, he was carried to Georgia.

Q Did she live with him in Alabama? A No sir, she lived with him in Mississippi.

Q And both were slaves at that time? A Yes sir.

Q Both slaves of the same master? A Yes sir.

Q What was his name, the master? A Col. Green.

Q Is there anything further you would like to state now in support of this claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

There is offered in evidence the affidavit of Robert Austin, presented by applicant, received, marked "Exhibit-A" filed and made a part of the records in this case. There is also offered a second affidavit of Robert Austin presented by applicant, received, marked "Exhibit-B", filed and made a part of the records in this case.

Q Would you like time in which to present further documentary evidence? A Yes sir.

Mary Gibson---

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application.

This applicant has the appearance of a person descended from an ancestry of mixed blood composed of negro and Indian, in which the negro predominates in certain physical characteristics. It is not at all certain that she has the quantity of Indian blood claimed in her testimony but she evidently has a strain of Indian blood. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

L. G. D.
C. v. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Gibson for
identification as a Mississippi Choctaw, N S R 2773.

DE C I S I O N .

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Mary Gibson for herself under the following provision of the
act of Congress approved June 28, 1890, (26 Stat., 493):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other
acts necessary thereto, and make report to the Secretary of
the Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of one Red Gory and one Katie Garland, who are alleged to have
been half blood Choctaw Indians.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 341).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Red Cory or Katie Garland signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

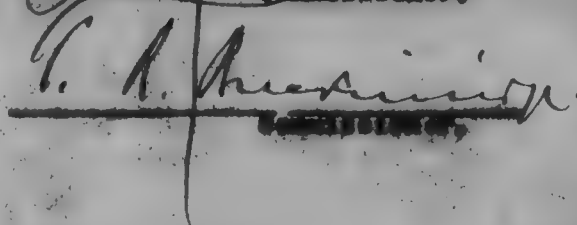
It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Gibson as a Choctaw Indian entitled to rights in the Choctaw

lands under the provisions of said article fourteen of the treaty
of eighteen hundred and thirty, and that the application for her
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN



T. A. Harrison,
Commissioner.

Muskogee, Indian Territory,

SEP 5 1902

M.C.R. 2473
M.C.R. 2528

Muskogee, Indian Territory, August, 1, 1902.

Mary Gibson,
Tuscaloosa, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st inst., asking to be informed of the present status of your application and the application of your daughter, Annie Hawkins, for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that you are an applicant for identification as a Mississippi Choctaw, and that application was made by Fred Hawkins for the identification of himself, his wife, Annie, and his minor children, Lillie, Fred and Ethel Hawkins, as Mississippi Choctaws.

The Commission is now considering your application and it is probable that in the near future a decision will be rendered. You will be duly notified thereof, and of the forwarding of the record to the Secretary of the Interior for his review.

The Commission on July 2, 1902, rendered its decision refusing the application for identification as Mississippi Choctaws, of Fred Hawkins, his wife, Annie, and his minor children and on the same date notified the applicants of such decision and of the

10

forwarding of the Record to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

COPY. M.C.R. 2773

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Gibson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Gibson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

-M. HALL & Co.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Thomas D. Kirby.

Acting Chairman.

COPY. M.C.R. 2773

Muskogee, Indian Territory, September 3, 1902.

Mary Gibson,
Tuscaloosa, Alabama.

Dear Madam:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Gibson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Gibson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

Mary Gibson-2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Burby.
Acting Chairman.

Registered,

M.C.R. 2773

Muskogee, Indian Territory, September 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Gibson, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of September 5th, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

COPY

DEPARTMENT OF THE INTERIOR.

Land
55834-1902.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

Nov. 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made September 5, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mary Gibson for identification as a Mississippi Choctaw claiming rights under the provisions of the fourteenth article of the treaty of 1830.

September 5, 1902, the Commission held that the applicant was not entitled to identification.

Descent is claimed from Red Cory and Katie Garland, who are claimed to have been half-blood Choctaws.

The applicant is not a full-blood Choctaw Indian. An examination of the records of this office fails to show that either of the alleged ancestors received a patent to land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

---2---

It is therefore respectfully recommended that the decision of
the Commission rejecting the applications be affirmed.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

HEH
D

3 inclosures.

D.C. 22323

COPY

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6956-1902

November 18, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

September 5, 1902, you transmitted the record in the matter of the application of Mary Gibson for her enrollment as a Mississippi Choctaw Indian. She claims rights under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Red Gory and one Katie Garland, who are alleged to have been half half blood Choctaw Indians.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Red Gory or said Katie Garland complied or attempted to comply with article 14 of said treaty, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application September 5, 1902.

The Commissioner of Indian Affairs forwarded the papers November 7 and recommended your decision be approved. A copy of his letter is inclosed. Finding no reason to disturb your decision, the Department affirms the same.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary

COPY

M.C.R. 2773

Kuskogee, Indian Territory, November 28, 1902.

Mary Gibson,

Tuscaloosa, Alabama.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were duly advised by registered mail on the 5th day of September, 1902.

Respectfully,

(SIGNED)

Tanis Dixby

Acting Chairman

COPY.

M.C.R. 2773

Muskogee, Indian Territory, November 28, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Mary Gibson, of which decision you were advised by mail on the 5th day of September 1902.

Respectfully,

(SIGNED)

Tame Kirby

Acting Chairman

2773

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

NOV 18 1902


ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary Gibson,

Tuscaloosa, Alabama.

2123
-2123
1272

#10220

No

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Mary Gibson

Age 60

Blood 1/2

Post Office, Tuscaloosa, Ala.

Father: Red Cory, d

Mother: Katie Garland, d

Claims through both parents

~~Children:~~

Claims for self
alone

Stenographer J. S. Miles

Choctaw MCR 2774

Jane Hall

MCR 2774

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Jane Hall for the identification of herself and eight minor children as Mississippi Choctaws.

Said Jane Hall, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A HK Jane Hall.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Silver Creek, Mississippi.
Q How long have you lived there? A Thirty-five years.
Q All your life? A Yes sir.
Q Born there? A Yes sir.
Q What is your father's name? A Samuel Armstrong.
Q Is he living? A Yes sir.
Q What is your mother's name? A Carey Armstrong.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the authorities of the United States?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Owen Hall.
Q What is his blood? A As far as I know, negro.
Q Do you claim for him? A No sir.
Q Was your father a slave before the war? A I don't know, sir.
Q What is he? Is he a colored man? A Yes sir.
Q Was your mother a slave before the war? A I don't know.
Q Was she a colored woman? A Yes sir.
Q You are 35 years old, don't you know whether your father and mother were slaves? A I don't know anything about that.
Q Why don't you know? A Because I was so small.
Q You are 35 years old? A Yes sir, that is what they say.
Q Then you know that they were slaves? A Yes sir.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q Give me the name of the eldest? A Fannie.
Q How old is she? A Seventeen.
Q What is the name of the next? A Arthur.
Q How old is Arthur? A Sixteen.
Q What is the name of the next child? A Jesse.
Q A boy? A Yes sir.
Q How old? A Twelve.
Q What is the name of the next? A Clara.
Q How old is she? A Eleven.
Q The next? A Javis.
Q A boy? A Yes sir.
Q How old is he? A Six.
Q Next? A Carrie.
Q How old is she? A Five.

Jane Hall et al---2

Q Next? A Larenoy.

Q Boy or girl? A Boy.

Q How old is he? A Three.

Q Next? A Owen.

Q How old is he? A One.

Q Is that all the children? A Yes sir.

Q Is Owen Hall the father of these children? A Yes sir.

Q Are you the mother? A Yes sir.

Q Are they all living with you at your home? A Yes sir.

Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities for yourself or children for citizenship in the Choctaw Nation?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted, either you or any of your children, to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation, Indian Territory, for yourself or children, to the Choctaw Tribal authorities or to the United States authorities? A No sir.

Q Is this the first application of any kind you have ever made?

A Yes sir.

Q You now make application for the identification of yourself and your children as Mississippi Choctaws, do you? A Yes sir.

Q Do you make this claim as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830? A Yes sir.

Q Give me the name of your great grandfather and great-grandmother?

A I can give you the name of my great-grandmother.

Q What is her name? A Fredie Jeffry.

Q What was she? A A full blood Indian woman.

Q How do you know she was a full blood Indian woman? A My grandmother said she was.

Q Did she go to the Indian Territory or did any of your ancestors with the other Indians who went from Mississippi or Alabama to the Territory between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know.

Q Can you speak the Choctaw language? A No sir.

This applicant has no knowledge of the Choctaw language.

Q Is there any thing further you want to say in support of your claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized

Jane Hall et al---3

members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want additional time in which to file papers? A Yes sir.

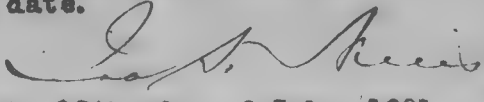
This applicant is allowed thirty days time in which to file documentary or other evidence in support of her application.

This applicant has the appearance and all the physical characteristics of one descended from full blood negro parentage. If she has Choctaw blood it is not discernable. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your eight minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 12th day of July, 1901, at Meridian, Mississippi.


Notary Public.

Muskogee, Indian Territory, November 20, 1901.

J. E. Arnold,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 18, with which you inclose the affidavits of Millie Sessler to be filed in support of the following applications for identification as Mississippi Choctaws:

~~Samuel Armstrong, et al.~~
Thomas E. Armstrong, et al.
Elizabeth Price, et al.
Annie Barnes, et al.
Jane Hall, et al.
Alfred Armstrong, et al. 2774

Also copy of a marriage certificate between Alfred Armstrong and Nellie Gentry, which you submit for filing in support of the application for identification as Mississippi Choctaws of Alfred Armstrong, et al.

These papers have been duly filed with the other records in these cases and will receive consideration in the disposition of these applications.

Yours truly,

COPY

Muskogee, Indian Territory, December 20, 1902.

Jane Hall,

Silver Creek, Mississippi.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caroline Armstrong, et al., embracing the following applications for identification as Mississippi Choctaws:

Caroline Armstrong, et al.,	M.C.R. 1853
Carrie Ann Armstrong,	M.C.R. 2139
Jane Hall, et al.,	M.C.R. 2774
Jerry Howell,	M.C.R. 2140
Martha Lucas,	M.C.R. 2142
W. J. Lucas,	M.C.R. 2145
Henry Armstrong, et al.,	M.C.R. 2141
Alfred Armstrong, et al.,	M.C.R. 2770
Annie Barnes, et al.,	M.C.R. 2780
Elizabeth Price, et al.,	M.C.R. 2779
Thomas H. Armstrong, et al.,	M.C.R. 2144
Simon Armstrong, et al.,	M.C.R. 2775
Jeff M. Armstrong, et al.,	M.C.R. 2143

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Jane Hall-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Armstrong, Jeffrey Armstrong, Carrie Ann Armstrong, Jane Hall, Fannie Hall, Arthur Hall, Josse Hall, Clara Hall, Javus Hall, Carrie Hall, Larency Hall Owen Hall, Jerry Howell, Martha Lucas, Eli J. Lucas, Henry Armstrong, Susanne Armstrong, Simon Armstrong, Narcisse Armstrong, Habelle Armstrong, Jeffrey Armstrong (No. 2), Lena Armstrong, Reina Armstrong, Ina Armstrong, Alfred Armstrong, Willie Armstrong, Wellie Armstrong, Jodie Armstrong, Artemitia Armstrong, Henry Armstrong (No. 2), Simon Armstrong (No. 2), Vanilus Armstrong, Holly F. Armstrong, Samuel Armstrong, Annie Barnes, Tommy Barnes, Mary Barnes, William Barnes, Elizabeth Price, Hattie Price, Thomas E. Armstrong, Ransom Armstrong, Nora Armstrong, Mary Armstrong, Martha Armstrong, Mattie Armstrong, Verdie Armstrong, Alonzo Armstrong, Eli Armstrong, Tad Armstrong, Simon Armstrong (No. 3), Caroline Armstrong (No. 2), Mary Armstrong (No. 2), Julia Armstrong, David Armstrong, Mathalia Armstrong, Jeff M. Armstrong, James Armstrong and Joseph Armstrong as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. B. Miedler

COMMISSIONER IN CHARGE

Registered.

M. C. R. 2774.

COPY:

Muskogee, Indian Territory, July 17, 1903.

Jane Hall,

Silver Creek, Mississippi.

Dear Madam:-

You are hereby advised that on the 8th day of June, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caroline Armstrong et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Jane Hall, et al.

DEC

RECORDED. 910 20 1902

#1029

No. 2774

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Jane ~~Hall~~ ~~Hall~~

Age 35 Blood 1/8

Post Office, Silver Creek, Miss.

Father: Samuel Armstrong, l

Mother: Carey " l

Claims through mother

~~Husband~~
Ewen Hall, negro.

No claim for husband.

Children: Fannie - 17
Arthur - 16
Jesse - 12
Clara - 11
Javus (boy) 6
Carrie - 5
Larency (boy) 3
Ewen - 1

Claims for self &
children.

Stenographer J. J. Miles

Choctaw MCR 2775

Simon Armstrong

MCR 2775

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Simon Armstrong for the identification of himself and five minor children as Mississippi Choctaws.

Said Simon Armstrong, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Simon Armstrong.
Q What is your age? A Thirty-eight.
Q What is your postoffice address? A Silver Creek, Mississippi.
Q What County? A Lawrence County.
Q How long have you lived there? A All my days.
Q Born there? A Yes sir.
Q What is your father's name? A Ransom Armstrong.
Q Is he living? A No sir, dead.
Q What is your mother's name? A Caroline Armstrong.
Q Living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A One quarter.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities? A Not as I know of.
Q What is your wife's name? A Florence Armstrong.
Q Is she a negro woman? A Yes sir.
Q Was your father a slave before the war? A Yes sir.
Q Was your mother? A Well, she belonged to white folks.
Q Do you think she was a slave? A I reckon she was.
Q You weren't living at the time of the surrender, were you? A Well, I guess I was, but I was young.
Q Were you a slave? A I don't know anything about slavery. I don't remember anything about it.
Q Were you not a slave as a child? A Yes sir, I guess so.
Q Have you children under 21 years of age and unmarried that you wish to make application for? A Yes sir.
Q What is the name of the oldest child? A Caroline.
Q How old? A Twelve.
Q Next? A Mary.
Q How old? A Ten.
Q Next? A Julia.
Q How old? A Eight.
Q Next? A David.
Q How old? A Five.
Q Next? A Mathalia.
Q How old? A Two years old.
Q Have you your marriage license and certificate of your marriage with Florence? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory for enrollment as members of that Tribe of yourself and children? A No sir.

Q Did you or did anyone for you or your children in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Dawes Commission? A No sir.

Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you ever made? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim this right for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name or names of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the territory occupied by the Choctaw Indians in Mississippi or Alabama at ~~that time~~ the time of the ratification of the treaty of Dancing Rabbit Creek? A My grandmother.

Q What is her name? A Fennie Jeffry.

Q Was she a Choctaw Indian? A Yes sir.

Q Full blood? A Yes sir, she was full blood.

Q Have you any proof that she was a full blood Indian? A Yes sir.

Q Do you think you can present it to the Commission? A I don't know as I can, only I have papers.

Q Did she, or any others of your ancestors if Choctaw Indians, remove from Mississippi or Alabama and to go the Indian Territory with the other Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi that they intended to stay in Mississippi and become citizens of the States?

A Not as I know of.

Q Did any of your ancestors receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A Not as I know of.

Q Can you speak the Choctaw language? A No sir, don't know anything about it.

Q Is there anything more you want to say in support of your claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir

There is offered in evidence the joint affidavit of Washington Oatis and Isaac A. Bourn, presented by applicant, received, marked "Exhibit-A", filed and made a part of the records in this case.

There is also offered in evidence an un-certified copy of marriage certificate presented by applicant, received, marked "Exhibit-B", filed and made a part of the records

Simon Armstrong et al---3


in this case.

Q Would you like time in which to introduce other documentary evidence? A Yes sir.
Thirty days time from the date hereof is allowed this applicant in which to file further proof in this case.

The applicant has the appearance of a full blood negro. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your five minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28, 1898, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 15th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

Muskogee, Indian Territory, November 20, 1901.

J. E. Arnold,

Ardmore, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of November 18, with which you inclose the affidavits of Millie Saddle to be filed in support of the following applications for identification as Mississippi Cheetaws:

Simon Armstrong, et al.
Thomas E. Armstrong, et al.
Elizabeth Price, et al.
Annie Barnes, et al.
Jane Hall, et al.
Alfred Armstrong, et al.

Also copy of a marriage certificate between Alfred Armstrong and Nellie Gentry, which you submit for filing in support of the application for identification as Mississippi Cheetaws of Alfred Armstrong, et al.

These papers have been duly filed with the other records in these cases and will receive consideration in the disposition of these applications.

Yours truly,

Atling Chairman

COPY

Muskogee, Indian Territory, December 20, 1902.

Simon Armstrong,
Silver Creek, Mississippi.

Dear Sir:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caroline Armstrong, et al., embracing the following applications for identification as Mississippi

Choctaws:

Caroline Armstrong, et al.,	M.C.R. 1853
Carrie Ann Armstrong,	M.C.R. 2139
Jane Hall, et al.,	M.C.R. 2774
Jerry Howell,	M.C.R. 2140
Martha Lucas,	M.C.R. 2142
Kli J. Lucas,	M.C.R. 2145
Henry Armstrong, et al.,	M.C.R. 2141
Alfred Armstrong, et al.,	M.C.R. 2770
Annie Barnes, et al.,	M.C.R. 2780
Klizabeth Price, et al.,	M.C.R. 2779
Thomas E. Armstrong, et al.,	M.C.R. 2144
Samon Armstrong, et al.,	M.C.R. 2775
Jeff M. Armstrong, et al.,	M.C.R. 2143

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Simon Armstrong-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Armstrong, Jeffrey Armstrong, Carrie Ann Armstrong, Jane Hall, Fannie Hall, Arthur Hall, Jesse Hall, Clara Hall, Javus Hall, Carrie Hall, Larencey Hall, Owen Hall, Jerry Howell, Martha Lucas, Eli J. Lucas, Henry Armstrong, Susanne Armstrong, Simon Armstrong, Narcisse Armstrong, Mabelle Armstrong, Jeffrey Armstrong (No. 2), Lena Armstrong, Reina Armstrong, Ina Armstrong, Alfred Armstrong, Willie Armstrong, ~~Willie Armstrong~~, Jodie Armstrong, Artemitia Armstrong, Henry Armstrong (No. 2), Simon Armstrong (No. 2), Vanlus Armstrong, Holly F. Armstrong, Samuel Armstrong, Annie Barnes, Tommy Barnes, Mary Barnes, William Barnes, Elizabeth Price, Hattie Price, Thomas E. Armstrong, Ransom Armstrong, Nora Armstrong, Mary Armstrong, Martha Armstrong, Mattie Armstrong, Verdine Armstrong, Alonzo Armstrong, Eli Armstrong, Tad Armstrong, Simon Armstrong (No. 3), Caroline Armstrong (No. 2), Mary Armstrong (No. 2), Julia Armstrong, David Armstrong, Mathalia Armstrong, Jeff M. Armstrong, James Armstrong and Joseph Armstrong as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Neenan

COMMISSIONER IN CHARGE.

Registered.

M. C. R. 2775.

COPY!

Muskogee, Indian Territory, July 17, 1903.

Simon Armstrong,

Silver Creek, Mississippi.

Dear Sir:-

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caroline Armstrong et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

#1024

No. 2775

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Simon Armstrong

Age 38, Blood 1/4

Post Office, Silver Creek, Miss

Father: Ransom Armstrong (d)

Mother: Caroline " l

Claims through mother

~~Wife~~
~~Flora~~ negro

No claim for wife

Children: Caroline 12

Mary 10

Julia 8

David 5

Mathalia 2

Claims for self
and children

Stenographer I. S. Miles

FOR IDENTIFICATION AS A
A MISSISSIPPI CHOCTAW.

Simon Armstrong et al

DECISION RENDERED. DEC 20 1902

RE

1803

Choctaw MCR 2776 1

William Gardner

MCR 2776

Sub

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application of William Gardner, et al., for identification as Mississippi Choctaws, consolidating the applications of

William Gardner, et al.,
Dave Buchanan, et al.,

M. C. R. 2776
M. C. R. 2778

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of William Gardner, et al., for identification as Mississippi Choctaws.	1
Joint affidavit of Clem Griffin and Emeline Buchanan in support of application.	4
Certified copy of marriage record of William Gardner and Eliza Buchanan.	5
Original application of Dave Buchanan, et al., for identification as Mississippi Choctaws.	6
Joint affidavit of Clem Griffin and Emeline Buchanan in support of application.	9
Certified copy of marriage record of Dave Buchanan and Alice Hurdock.	10
Decision of the Commission refusing the consolidated application of William Gardner, et al., for identification as Mississippi Choctaws.	11

-----;-----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of William Gardner for the identification of himself and ten minor children as Mississippi Choctaws.

Said William Gardner, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William Gardner.
Q What is your age? A Forty-one.
Q What is your postoffice address? A Buena Vista, Mississippi, ~~Chickasaw~~ Chickasaw County.
Q How long have you lived in Mississippi? A Been living there all the time.
Q All your life? A Yes sir.
Q You have lived no where else? A No sir.
Q What is your father's name? A Rafe Pulliam.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Caroline.
Q Is she living? A No sir, dead.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A Five-sixteenths.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians either by the Choctaw Tribal authorities or the United States authorities?
A No sir.
Q What is your wife's name? A Eliza.
Q Is she a negro? A Yes sir.
Q Do you claim for her? A No sir.
Q Was your father a slave before the war? A Yes sir.
Q Was your mother? A Yes sir.
Q Were you? A Yes sir, I was born a slave.
Q Give me the name of your oldest unmarried child? A Paul.
Q How old? A Eighteen.
Q Next? A Caroline.
Q How old is she? A Sixteen.
Q Next? A Andrew.
Q How old? A Fourteen.
Q Next? A Sallie.
Q How old? A Twelve.
Q Next? A Turner.
Q Boy? A Yes sir.
Q How old? A Ten.
Q Next? A Mater.
Q A girl? A Yes sir.
Q How old is she? A Eight.
Q Next? A Riley.
Q How old is he? A Six.
Q Next? A William.
Q How old? A Four.
Q Next? A Lenora.
Q How old? A Two.
Q One more? A Leslie.

William Gardner et al---2

- Q How old is he? A About nine months old.
- Q When and where were you married to Eliza? A I was married in 1881 in Chickasa County.
- Q Under a license? A Yes sir.
- Q Have you your marriage license and certificate with you now? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory for the enrollment, as members of that Tribe, of yourself and children? A No sir.
- Q Did you or did anyone for you or for your children in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application for yourself or your children before this time to any authority whatever, either Choctaw or United States authorities, for enrollment as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application of any kind? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you make this claim as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
- Q Have you ever received any benefits as a Choctaw Indian? A No sir.
- Q Have your ancestors ever received any? A No sir.
- Q Can you give me the name of any of your ancestors who lived in the old Choctaw Nation in Mississippi or Alabama in the year 1830 and were recognized members of the Choctaw Tribe of Indians at that time? A No sir.
- Q You can't tell anything about your ancestors who were Indians? A No sir.
- Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi or Alabama to the Indian Territory at the time of the removal of the other Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent for the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything more you want to say about this claim? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty, or that they ever received any benefits thereunder? Yes sir.

William Gardner et al--5

There is offered in evidence the joint affidavit of Glen Griffin and Emeline Buchanan, presented by applicant, received, marked "Exhibit-A", filed and made a part of the records in this case.

There is also offered in evidence certified copy of marriage license and certificate between William Gardner and Eliza Buchanan, received, marked "Exhibit-B", filed and made a part of the records in this case.

Q Do you wish additional time in which to file further evidence?
A Yes sir.

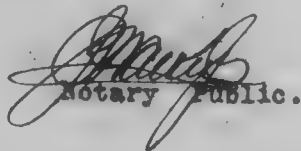
Thirty days time is allowed this applicant in which to file further written evidence in support of this claim.

This applicant appears to be a full blood negro. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your ten minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28, 1898, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

40.2
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Gardner, et al., for identification as Mississippi Choctaws, consolidating the applications of

William Gardner, et al.,
Dave Buchanan, et al.,

M C R 2776
M C R 2778

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to the Commission by William Gardner for himself and his ten minor children, Paul, Caroline, Annew, Sallie, Turner, Water, Riley, William, Jr., Lenora and Leslie Gardner; and by Dave Buchanan for himself and his five minor children, Maudine, Amanda, Tommy W., William D. and William L. Buchanan, under the following provision of the act of Congress approved June 20, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jeff Gardner, and Amy Gardner, who are alleged to have been three-fourths and one half blood Choctaw Indians respectively.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jeff Gardner, or Amy Gardner, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions

3.

authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 815).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Gardner, Paul Gardner, Caroline Gardner, Andrew Gardner, Sallie Gardner, Turner Gardner, Water Gardner, Riley Gardner, William Gardner, Jr., Lenora Gardner, Leslie Gardner, Dave Buchanan, Maudine Buchanan, Amanda Buchanan, Tommy W. Buchanan, William D. Buchanan and William L. Buchanan as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) James Dixey.
Acting Chairman.

(SIGNED) T. E. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT -8 1902

M C R 2776

CC

Muskogee, Indian Territory, October 8, 1902.

William Gardner,

Buena Vista, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Gardner et al., embracing the following applications for identification as Mississippi Choctaws:

William Gardner et al., M C R 2776
Dave Buchanan et al., M C R 2778.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Gardner, Paul Gardner, Caroline Gardner, Andrew Gardner, Sallie Gardner, Turner Gardner, Mabel Gardner, Riley

W 3 2

Gardner, William Gardner, Jr., Lenora Gardner, Leslie Gardner, Dave Buchanan, Maudine Buchanan, Amanda Buchanan, Tommy W. Buchanan, William D. Buchanan and William J. Buchanan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

registered.

M C R 2776

Muskogee, Indian Territory, October 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Gardner et al., embracing the following applications for identification as Mississippi Choctaws:

William Gardner et al., M C R 2776
Dave Buchanan et al., M C R 2778.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

M McM & C 2

of William Gardner, Paul Gardner, Caroline Gardner, Andrew Gardner, Sallie Gardner, Turner Gardner, Water Gardner, Riley Gardner, William Gardner, Jr., Lenora Gardner, Leslie Gardner, Dave Buchanan, Maudine Buchanan, Amanda Buchanan, Tommy W. Buchanan, William D. Buchanan and William L. Buchanan as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

66

Wm. H. Hays

Acting Chairman.

M C R 2776

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Gardner et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William Gardner et al.,	M C R 2776,
Dave Buchanan et al.,	M C R 2778.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Acting Chairman.

Commissioner of Indian Affairs.

1 inclosure.

D.C. 22731

C O P Y

NAF.

D E P A R T M E N T O F T H E I N T E R I O R.

ITD. 7026-1902.
IRS.

WASHINGTON.

November 22, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

October 8, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of William, Paul, Caroline, Andrew, Sallie, Turner, Water, Riley, William Jr., Lenora and Leslie Gardner, and of Dave, Maudine, Amanda, Tommy W., William D. and William L. Buchanan.

The applicants endeavor to trace their descent from one Jeff Gardner and Amy Gardner, who are alleged to have been three-fourths and one-half blood Choctaw Indians respectively.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Jeff Gardner or said Amy Gardner, or an ancestorless remote, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications October 8, 1902.

The Commissioner of Indian Affairs forwarded the record November 12, and recommended that your decision be approved. A copy of his letter is inclosed herewith.

After a thorough examination of the entire record, the De-

-2-

partment finds no reason to disturb your decision, and hereby affirms it.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

C O P Y.

Department of the Interior,
Office of Indian Affairs,

Land.
60,707-1902.

Washington, Nov. 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental action, the record of the Commission to the Five Civilized Tribes in the matter of the application of William Gardner, et al., for identification as Mississippi Choctaws, wherein the following applications are consolidated:

William Gardner, et al.

Dave Buchanan et al.

A judgment of rejection was entered against these parties by the Commission to the Five Civilized Tribes on October 8, 1902.

The evidence in this case shows that the parties claim rights in the Choctaw lands under article 14 of the Choctaw treaty of 1830 by reason of being the descendants of Jeff and Amy Gardner, through their daughter, Caroline Gardner, who are claimed to have been members of the Choctaw tribes of Indians in Mississippi in 1830.

The Commission rejects the applicants on the ground that it does not appear from the testimony and evidence offered in support of said applications, or from the record in the possession of the commission relative to the persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 and to the persons who heretofore were claimants thereunder, that said Jeff

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Gardner or Amy Gardner, or an ancestor less remote, signified in person or by proxy, to Col. William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article 14 or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims.

An examination of the records of this office has been made with reference to the claims of the parties herein and it is discovered that no such persons as Jeff or Amy Gardner were among these Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. This being the case it is evident that the decision of the commission rejecting the applicants was correct.

I therefore recommend that the following parties be rejected for identification as Mississippi Choctaws.

William Gardner, Paul Gardner, Caroline Gardner, Sallie Gardner, Turner Gardner, Mater Gardner, Riley Gardner, William Gardner Jr., Leona Gardner, Leslie Gardner, Dave Buchanan, Maudine Buchanan, Amanda Buchanan, Tommy W. Buchanan, William D. Buchanan and William L. Buchanan.

Very respectfully
Your obedient servant,

W.A. Jones
Commissioner.

(H.B.H.)

P.

COPY. M.C.R. 2776.

Muskogee, Indian Territory, December 5, 1902.

William Gardner,

Buena Vista, Mississippi.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Gardner, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

James D. Dineen

Acting Chairman.

M.C.R. 2776.

Muskogee, Indian Territory, December 5, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Gardner, et al., of which decision you were advised by mail on the 8th day of October, 1902.

Respectfully,

Acting Chairman.

REFER TO M. C. R. 2776

William Gardner
et al

Consolidated Case

CARD NO.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AOT ST

Jeff Gardner 1/2
 wife
 Amy Gardner 1/2

Caroline Gardner 8 mor	William Gardner 41 7/16 wife
Rafe Pulliam slave	Eiza Gardner, negro.
Rachel Gardner mor slave	Dave Buchanan 36 wife 1/2 7/16
Dick Buchanan slave	Alice Buchanan negro.

Paul Gardner 18
Caroline Gardner 16
Andrew Gardner 14
Sacie Gardner 12
Turner Gardner 10
Water Gardner 8
Riley Gardner 1
William Gardner 6
Renora Gardner 2
Reslie Gardner 9 mos

Martine Buchanan 11
Amanda Buchanan 7
Tommy N Buchanan 6
William D. Buchanan 4
William K. Buchanan 9 mos

#1005

No.

For Identification as a Mississippi Choctaw.

Date JUN 25 1901

Name William Gardner

Age 41 - Blood 5/16

Post Office, Buena Vista, Miss.

Father: Rafe Pulliam d

Mother: Caroline d

Claims through Mother
wife

Eliza — negro.

No claim for wife.

Children: Paul 18

Caroline 16

Andrew 14

Sallie 12

Turnen (boy) 10

Mater (girl) 8

Riley 6

William 4

~~Lee Horn~~

Lenora 2

Leslie 9 m

Claims for self &
children

Stenographer J. J. Miles

MISSISSIPPI CHOCTAW

E. 277

William Gardner et al

REFUSED

DECISION RENDERED. OCT 8 1902

R277.

NOV 22 1902

DEC 1 1902

Choctaw MCR 2777

Minnie E. Gardner

MCR 2777

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Minnie E. Gardner
for the identification of herself and one minor child as Mississippi
Choctaws.

Said Minnie E. Gardner, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A Minnie E. Gardner.
Q What is your age? A Twenty-one.
Q What is your postoffice address? A Sycamore, Mississippi,
Choctaw County.
Q How long have you lived there? A Near three years, ever since
I have been married.
Q Where did you live before that? A Near Buena Vista.
Q Where was you born? A Northwest of Buena Vista.
Q You have always lived in Mississippi? A Yes sir.
Q What is your father's name? A Jeff Pulliam.
Q Is he living or dead? A Living.
Q What is your mother's name? A Mary Pulliam.
Q Living? A Yes sir.
Q Through which of these parents do you claim Choctaw blood?
A Through both.
Q Are you related to this last applicant, Dave Buchanan? A Yes
sir.
Q What relation are you to him? A First cousin by marriage.
Q Not related by blood? A No sir.
Q How much Choctaw blood do you claim? A Five-eighths.
Q Was your mother a slave before the war? A Yes sir.
Q Was your father? A Yes sir.
Q Both were? A Yes sir.
Q How much Choctaw blood did your father have? A One-half.
Q How much did your mother have? A Three-fourths.
Q Were either of your parents, through whom you claim your right to
identification as a Mississippi Choctaw, ever recognized in any way
or enrolled as members of the Choctaw Tribe of Indians by the Choctaw
Tribal authorities or the United States authorities in Indian
Territory? A Not as I know of.
Q What is your husband's name? A Henry Hardner.
Q What is his blood? A I don't know, sir.
Q What do you think? A Well, I suppose he has a little Indian.
Q He has a good deal of what blood? A I reckon negro.
Q Do you make any claim for him? A No sir.
Q Give me the name of your child? A Henry G. Gardner.
Q How old is he? A One year and eight months.
Q Is your name or the name of your child on any of the tribal
rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities
in the Indian Territory for citizenship for yourself or your child?
A No sir.
Q Did you or did anyone for you in 1896, under the Act of Congress
of June 10, 1896, make application for citizenship in the Choctaw
Nation to the Dawes Commission? A No sir.
Q Have you or your child ever been admitted to citizenship in the

Minnie E. Gardner et al---2

Chectaw Nation by either the Chectaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.

Q Have you ever made application before this time to either the Chectaw Tribal authorities or the authorities of the United States for the enrollment of yourself and child as citizens of the Chectaw Nation? A No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Chectaw? A Yes sir.

Q Do you claim this right as beneficiaries for yourself and child under article 14 of the treaty of 1830? A Yes sir.

Q Have you or any of your ancestors ever received any benefits as Chectaw Indians? A No sir.

Q Can you give me the name or names of any of your ancestors who were residents of the old Chectaw Nation in Mississippi or Alabama and recognized members of the Chectaw Tribe of Indians in 1830? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi at that time that they wanted to stay in Mississippi and become citizens of the United States? A No sir, not as I know of.

Q Did any of your ancestors remove from the old Chectaw Nation in Mississippi or Alabama and go to the Indian Territory between the years 1833 and 1838? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi under article 14 of the treaty of 1830? A No sir.

Q Do you speak Chectaw? A No sir.

Q You never lived with the Chectaw Indians? A No sir.

Q You have been living with the colored people all your life? A Yes sir.

Q Are there any additional statements you want to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Chectaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

There is offered in evidence the joint affidavit of Clem Griffin and George Bean, introduced by applicant, received marked "Exhibit-A", filed and made a part of the records in this case.

Q Have you any further documentary evidence you want to give me? A No sir.

Q Would you like time in which to introduce documentary evidence? A Yes sir.

Thirty days time is allowed this applicant in which to file further evidence, documentary or otherwise in support of this application.

This applicant has the appearance of a person descended from ancestry of mixed negro and Chectaw blood, in which

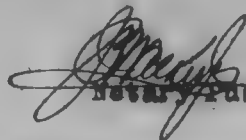
Minnie E. Gardner et al---3

the negro blood predominates. Her features are thin, thin nose, Roman nose, thin lips. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application, and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above titled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of July, 1901, at Meridian, Mississippi.


Notary Public.

COPY.

M C R 2777

Muskogee, Indian Territory, December 1, 1902.

Minnie E. Gardner,
Sycamore, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pulliam, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pulliam, et al.,	M C R 2828
Belle Pulliam, et al.,	" 2829
Katie Hughes, et al.,	" 2631
Minnie E. Gardner, et al.,	" 2777

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Erie Pulliam, Katie Hughes,

M I 6 2

Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2), Sarah Hughes, Gertrude Hughes, Minnie E. Gardner, and Henry G. Gardner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED

James Dixby

Acting Chairman.

Registered.

M.C.R. 2777

COPY

Muskogee, Indian Territory, March 24, 1903.

Minnie E. Gardner,
Sycamore, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mary Pulliam, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

#1026

No. 222

For Identification as a Mississippi Choctaw.

Date JUN 25 1901

Name Minnie E. Gardner

Age 21 Blood $\frac{5}{8}$

Post Office. Myarraca, Miss

Father: Jeff Pulliam l. $\frac{1}{2}$ chv, $\frac{1}{2}$ slave

Mother: Mary $\frac{3}{4}$ chv, $\frac{1}{4}$ slave

Claims through both parents.
Henry Isardner, negro.
No claim for Isaac and

Children:

Henry G. 1-8 m.

Claims for self
and child

Stenographer L. J. Niles

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW.

REFUSED

Minnie E. Gardner et al

DECISION RENDERED. DEC 1 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 1 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 16 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R.

Choctaw MCR 2778

Dave Buchanan

MCR 2778

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 28th, 1901.

In the matter of the application of Dave Buchanan for the identification of himself and five minor children as Mississippi Choctaws.

Said Dave Buchanan, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Dave Buchanan.
Q What is your age? A Thirty-six.
Q What is your postoffice address? A Buena Vista, Mississippi, Chickasaw County.
Q Where were you born? A In Mississippi.
Q And have always lived in Mississippi? A Yes sir.
Q Where have you lived all your life, what part of Mississippi?
A Well, I was born in Chickasaw County.
Q You live in Chickasaw County now? A Yes sir.
Q What is your father's name? A Dick Buchanan.
Q Is he living or dead? A Living.
Q What is your mother's name? A Rachel Buchanan.
Q Is she living? A No sir, dead.
Q Through which one of your parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A Well, I claim one-fourth, and a little over.
Q How much do you claim? A One fourth.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities?
A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Alice Buchanan.
Q What is her blood? A Well, I don't know as she has got any Indian blood in her.
Q What is her blood? A Negro.
Q Was your father a slave before the war? A Yes sir.
Q Was your mother? A Yes sir.
Q You weren't living until after the surrender? A No sir.
Q Do you make any claim for your wife? A No sir.
Q Give me the name of your eldest, unmarried child under 21 years of age? A Maudine.
Q How old is she? A Ten.
Q Next? A Amanda.
Q How old? A Seven.
Q Next? A Tommy W.
Q How old? A Six.
Q Boy? A Yes sir.
Q What is the name of the next child? A William D.
Q How old is he? A Four.
Q What is the name of the next? A William E.
Q How old is he? A About nine months old.
Q Is that all the children you have? A Yes sir.
Q Is your wife Alice the mother of all these children? A Yes sir.
Q Are you the father? A Yes sir.

Dave Buchanan et al---2

- Q Are they living with you at your home? A Yes sir.
- Q Have you your marriage license and certificate with you now that you want to file in support of your application? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for enrollment to the Choctaw Tribal authorities in the Indian Territory? A No sir.
- Q Did you make application in 1896 for yourself and children to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to any authority, either the Choctaw Tribal authorities or the United States authorities? A No sir.
- Q Is this the first application that you have ever made of any description? A Yes sir.
- Q You now desire to make application for identification as Mississippi Choctaws for yourself and your children? A Yes sir.
- Q Do you make this claim as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830 and who were at that time recognized members of the Choctaw Tribe of Indians? A No sir.
- Q Did any of your ancestors remove to the Indian Territory from Mississippi or Alabama with the other Indians between the years 1833 and 1838? A Well, my grandmother and grandfather, they was from Alabama.
- Q They didn't go to the Indian Territory? A No sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 say to the United States Indian Agent living in Mississippi, the Choctaw Agent, that they intended to stay in Mississippi and become citizens of the United States? A No sir, I don't know.
- Q Did any of your ancestors claim or receive any land in Mississippi from the Government as beneficiaries under article 14 of the treaty of 1830? A No sir.
- Q Can you talk the Choctaw language? A No sir.
- Q Is there anything further you want to say in support of your application? A No sir, but I have some papers.
- Q I will ask you now. Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

There is offered in evidence the joint affidavit of Clem Griffin and Emiline Buchanan, presented by applicant, marked Exhibit-A, filed and made a part of the records in this case.

Certified copy of marriage license of David Buchanan and Alice Mardock, presented by applicant, marked Exhibit-B filed and made a part of the records in this case.

- Q Have you any more papers you want to introduce now? A No sir.

Dave Buchanan et al---3

Q Do you want time in which to introduce papers? A Yes sir.

Thirty days time is allowed this applicant in which to file documentary or other evidence in support of this application.

This applicant has the appearance of one descended from ancestry composed of negro blood. He has no knowledge of the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make in behalf of your five minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 13th day of July, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

M C R 2778

Muskogee, Indian Territory, October 8, 1902.

Dave Buchanan,

Buena Vista, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Gardner et al., embracing the following applications for identification as Mississippi Choctaws:

William Gardner et al.,	M C R 2776
Dave Buchanan et al.,	M C R 2778.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Gardner, Paul Gardner, Caroline Gardner, Andrew

D B 2

Gardner, Sallie Gardner, Turner Gardner, Mater Gardner, Riley Gardner, William Gardner, Jr., Senora Gardner, Leslie Gardner, Dave Buchanan, Maudine Buchanan, Amanda Buchanan, Tommy W. Buchanan, William D. Buchanan and William L. Buchanan as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

Lama Doby,

Acting Chairman.

Registered.

COPY.

M.C.R. 2773.

Muskogee, Indian Territory, December 5, 1902.

Dave Buchanan,

Buena Vista, Mississippi.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Gardner, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

TO GINLEY

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 2778

Dave Buchanan et al

RETURNED

DECISION RENDERED. OCT 8 1902

NOV 22 1902

277

#1027

No.

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name *Osce Buchanan*,

Age 36 Blood $1/4$

Post Office, *Beena Vista, Miss*

Father: *Herb Buchanan d.*

Mother: *Rachel " d*

Claims through Mother

Wife

Alice — negro

No claim for wife

Children: *Maudine — 10*
Amanda — 7
Tommy W. (boy) 6
William H. 4
William L. 9 m.

Claims for self
and children.

Stenographer *J. A. Miles.*

Choctaw MCR 2779

Elizabeth Price

See MCR 1853

MCR 2779

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Elizabeth Price for the identification of herself and one minor child as Mississippi Choctaws.

Elizabeth Price, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth Price.
Q What is your age? A Twenty one years old.
Q What is your post office address? A Silver Creek, Mississippi.
Q What county? A Lawrence.
Q How long have you lived in Mississippi? A I was raised here.
Q Lived here all of your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Henry Barnes.
Q Is your mother living? A Yes sir.
Q What is her name? A Annie Barnes.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q What proportion of Choctaw blood do you claim to have? A $1/8$.
Q Was your mother a slave? A I don't know sir; no sir; she wasn't one.
Q Didn't you ever hear that she was a slave? A No sir.
Q Was your father a slave? A I don't know sir.
Q Your father is a negro? A Yes sir.
Q And your mother is, you claim, $1/4$ Choctaw, and the other $3/4$ negro? A Yes sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out in Indian Territory by the Choctaw tribal authorities or the United States authorities?
A Not that I know of.
Q Are you married? A Yes sir, I have been married.
Q Is your husband living? A Yes sir.
Q You are divorced from him? A No sir.
Q You are married now then? A No sir, we parted.
Q What was his name? A John Price.
Q Is he a negro? A Yes sir.
Q Make no claim for him then? A No sir.
Q Have you any children? A One.
Q What is it's name and age? A Hattie Price, a year old.
Q Is that all? A Yes sir.
Q This application is for yourself and one child? A Yes sir.
Q You are the mother of this child? A Yes sir.
Q What is ~~is~~ the name of it's father? A John Price.
Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of the tribe, or did anyone else make such an application for you? A No sir.

Elizabeth Price, et al., #2.

Q Did you or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application prior to this time either to the Choctaw tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation?

A No sir.

Q You now desire to make application for the identification of yourself and one minor child as Mississippi Choctaws? A Yes sir.

Q You claim your rights as beneficiaries under the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Not that I know of.

Q You have no evidence that any of them were? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A Not that I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provision of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Not that I know of.

Q Have any of your people ever got any land here in Mississippi from the Government? A Not that I know of.

Q Are there any additional statements you desire to make? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir, my mother brought in some, but I have none.

Q Do you want permission to file some later yourself? A Yes sir.

Permission is granted to the applicant to file proper documentary evidence in support of this application within a period of thirty days from this date.

Elizabeth Barnes, et al., #3.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28th 1898; and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,
this 27th day of July, 1901.

R. S. Streit

[Signature]
Notary Public.

Waskogen, Indian Territory, November 20, 1901.

J. R. Arnold,

Ardmore, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of November 18, with which you inclose the affidavits of Millie Saddle to be filed in support of the following applications for identification as Mississippi Choctaws:

George Armstrong, et al.
Thomas R. Armstrong, et al.
Elizabeth Price, et al. 2779
Annie Barnes, et al.
Jane Hall, et al.
Alfred Armstrong, et al.

Also copy of a marriage certificate between Alfred Armstrong and Nellie Gidney, which you submit for filing in support of the application for identification as Mississippi Choctaws of Alfred Armstrong, et al.

These papers have been duly filed with the other records in these cases and will receive consideration in the disposition of these applications.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 20, 1902.

Elizabeth Price,
Silver Creek, Mississippi.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caroline Armstrong, et al., embracing the following applications for identification as Mississippi Choctaws:

Caroline Armstrong, et al.,	M.C.R. 1853
Carrie Ann Armstrong,	M.C.R. 2139
Jane Hall, et al.,	M.C.R. 2774
Jerry Howell,	M.C.R. 2140
Martha Lucas,	M.C.R. 2142
Eli J. Lucas,	M.C.R. 2145
Henry Armstrong, et al.,	M.C.R. 2141
Alfred Armstrong, et al.,	M.C.R. 2770
Annie Barnes, et al.,	M.C.R. 2780
Elizabeth Price, et al.,	M.C.R. 2779
Thomas B. Armstrong, et al.,	M.C.R. 2144
Simon Armstrong, et al.,	M.C.R. 2775
Jeff M. Armstrong, et al.,	M.C.R. 2143

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Elizabeth Price-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Armstrong, Jeffrey Armstrong, Carrie Ann Armstrong, Jane Hall, Fannie Hall, Arthur Hall, Jesse Hall, Clara Hall, Javus Hall, Carrie Hall, Larency Hall, Owen Hall, Jerry Howell, Martha Lucas, Eli J. Lucas, Henry Armstrong, Susanne Armstrong, Simon Armstrong, Narcisse Armstrong, Mabelle Armstrong, Jeffrey Armstrong (No. 2), Lena Armstrong, Reina Armstrong, Ina Armstrong, Alfred Armstrong, Willie Armstrong, Wellie Armstrong, Jodie Armstrong, Artemitia Armstrong, Henry Armstrong (No. 2), Simon Armstrong (No. 2), Vanlus Armstrong, Holly F. Armstrong, Samuel Armstrong, Annie Barnes, Tommy Barnes, Mary Barnes, William Barnes, Elizabeth Price, Mattie Price, Thomas E. Armstrong, Ransom Armstrong, Nora Armstrong, Mary Armstrong, Martha Armstrong, Mattie Armstrong, Verdie Armstrong, Alonzo Armstrong, Eli Armstrong, Tad Armstrong, Simon Armstrong (No. 3), Caroline Armstrong (No. 2), Mary Armstrong (No. 2), Julia Armstrong, David Armstrong, Mathalia Armstrong, Jeff M. Armstrong, James Armstrong and Joseph Armstrong as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles

COMMISSIONER IN CHARGE.

Registered.

M. C. R. 2779.

COPY:

Muskogee, Indian Territory, July 17, 1903.

Elizabeth Price,

Silver Creek, Mississippi.

Dear Madam:-

You are hereby notified that on the 6th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caroline Armstrong et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

SIGNED

T. B. Needles.
Commissioner in Charge

#1028

No. 271

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Elizabeth Price

Age 21 Blood 1/8

Post Office Silver Creek, Miss.

Father: Henry Barnes L

Mother: Annie Barnes L

Claims through mother
husband

John Price L
(No claim for husband)

Children:

Nattie Price 14yr.

(Claims for self and
minor children)

Stenographer

R. S. Street

Choctaw MCR 2780

Annie Barnes

MCR 2780

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Annie Barnes for the identification of herself and three minor children as Mississippi Choctaws.

Annie Barnes, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Annie Barnes.
Q How old are you? A I think about forty five.
Q What is your post office address? A Silver Creek, Lowren County, Mississippi.
Q How long have you lived in the State of Mississippi? A All my life. Ever since I can remember.
Q Is your father living? A No sir.
Q What was his name? A Ransom Armstrong.
Q Is your mother living? A Yes sir.
Q What is her name? A Caroline Armstrong.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q What proportion of Choctaw blood do you claim to have? A Quarter.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A Not that I know of.
Q Has your mother always lived in the State of Mississippi? A When she was young she lived in Louisiana; I don't know what State that is, but she come back of here after she was of age.
Q Were you a slave? A Yes sir.
Q Was your mother? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Henry Barnes.
Q Is he living? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q What is he? A He is negro.
Q You make no claim for him then? A No sir.
Q Have you any children under twenty one years of age and unmarried? A Yes sir.
Q What are their names and ages? A Tommy.
Q Boy or girl? A Boy.
Q How old? A 19.
Q The next one? A Mary.
Q How old is Mary? A 17.
Q The next one? A William.
Q Is that all? A Yes sir.
Q How old is William? A 15.
Q Are these children all living with you? A Yes sir.
Q You are the mother of all three? A Yes sir.
Q What is the name of their father? A Henry Barnes.
Q The father of all of them? A Yes sir.

Annie Barnes, et al., #2.

Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A Not that I know of, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or these children to be enrolled as members of the tribe? A No sir.

Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.

Q Have you or any of these children ever been recognized in any manner or enrolled as members of the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time for yourself or any of these children to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any description that you have ever made? A Yes sir.

Q You now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian?

A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made? A Not that I know of.

Q You have no evidence that they were? A No sir.

Q Did any of your ancestors ever remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent of the Choctaws in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Not that I know of.

Q Are there any additional statements you desire to make at this time in support of your application? A No more than try to make a report of my rights.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or

Annie Barnes, et al., #3.

attempted to comply with the provisions of the Fourteenth Article of that Treaty or ever received any benefits thereunder? A Yes sir.

The joint affidavit of Washington Oates and Isaac A. Brown, offered in evidence, marked Exhibit "A", filed and made a part of the record in this case.

(This applicant has the appearance of being a negro and shows no indication of being possessed of Indian blood.)

The decision of the Commission as to the application you make at this time for the identification of yourself and t three minor children as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of July, 1901.

R. S. Streit

[Signature]

Notary Public.

Muskogee, Indian Territory, November 20, 1901.

J. R. Arnold,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 16, with which you inclose the affidavits of Willie Saddle to be filed in support of the following applications for identification as Mississippi Choctaws:

Alfred Armstrong, et al.
Thomas E. Armstrong, et al.
Elizabeth Price, et al.
Annie Barnes, et al. 2780
Jana Hall, et al.
Alfred Armstrong, et al.

Also copy of a marriage certificate between Alfred Armstrong and Nellie Gadsby, which you submit for filing in support of the application for identification as Mississippi Choctaws of Alfred Armstrong, et al.

These papers have been duly filed with the other records in these cases and will receive consideration in the disposition of these applications.

Yours truly,

Acting Chairman

COPY

Muskogee, Indian Territory, December 20, 1902.

Annie Barnes,

Silver Creek, Mississippi.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Caroline Armstrong, et al., embracing the following applications for identification as Mississippi Choctaws:

Caroline Armstrong, et al.,	M.C.R. 1853
Carrie Ann Armstrong,	M.C.R. 2139
Jane Hall, et al.,	M.C.R. 2774
Jerry Howell,	M.C.R. 2140
Martha Lucas,	M.C.R. 2142
Eli J. Lucas,	M.C.R. 2145
Henry Armstrong, et al.,	M.C.R. 2141
Alfred Armstrong, et al.,	M.C.R. 2770
Annie Barnes, et al.,	M.C.R. 2780
Klizabeth Price, et al.,	M.C.R. 2779
Thomas R. Armstrong, et al.,	M.C.R. 2144
Simon Armstrong, et al.,	M.C.R. 2775
Jeff M. Armstrong, et al.,	M.C.R. 2143

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Annie Barnes-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Caroline Armstrong, Jeffrey Armstrong, Carrie Ann Armstrong, Jane Hall, Fannie Hall, Arthur Hall, Jesse Hall, Clara Hall, Javus Hall, Carrie Hall, Larency Hall, Owen Hall, Jerry Howell, Martha Lucas, Eli J. Lucas, Henry Armstrong, Susanne Armstrong, Simon Armstrong, Narcisse Armstrong, Mabelle Armstrong, Jeffrey Armstrong (No. 2.), Lena Armstrong, Reina Armstrong, Ina Armstrong, Alfred Armstrong, Willie Armstrong, Wellie Armstrong, Jodie Armstrong, Artemitia Armstrong, Henry Armstrong (No. 2), Simon Armstrong (No. 2), Vanlus Armstrong, Holly P. Armstrong, Samuel Armstrong, Annie Barnes, Tommy Barnes, Mary Barnes, William Barnes, Elizabeth Price, Hattie Price, Thomas R. Armstrong, Ransom Armstrong, Nora Armstrong, Mary Armstrong, Martha Armstrong, Mattie Armstrong, Verdie Armstrong, Alonso Armstrong, Eli Armstrong, Ted Armstrong, Simon Armstrong (No. 3), Caroline Armstrong (No. 2), Mary Armstrong (No. 2), Julia Armstrong, David Armstrong, Mathalia Armstrong, John M. Armstrong, James Armstrong and Joseph Armstrong as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

COMMISSIONER IN CHARGE.

Registered.

M. C. R. 2780.

COPY:

Muskogee, Indian Territory, July 17, 1903.

Annie Barnes,
Silver Creek, Mississippi.

Dear Madam:-

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Caroline Armstrong et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

#1029

No.

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name Annie Barnes

Age 45 Blood 1/4

Post Office, Silver Creek, Miss

Father: Ransom Armitage, g. d.

Mother: Caroline L.

Claims through mother
husband

Henry Barnes L.
(no claim for husband).

Children:

Tommy Barnes (boy) 19

Mary " 17

William " 15

Claims for self and
3 minor children)

Stenographer

R. S. Street

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 31

Annie Barnes et al.

DECISION RENDERED.

DECEMBER 20 1902

RECEIVED 10 DEC 18 1853

CHOCTAW MCR 2781

MARION WELLS

MCR 2781

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Marion Wells for identification as a Mississippi Choctaw.

Marion Wells, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Marion Wells.
Q What is your age? A Twenty one.
Q What is your post office address? A Quitman, Mississippi.
Q What county? A Lauderdale.
Q How long have you lived in the State of Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Willie Wells.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Wells.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How long has your father lived in the State of Mississippi? A I couldn't tell you that.
Q You don't know? A No sir; he has been living here ever since I can remember.
Q Do you know of any other place in the State of Mississippi where he lived? A No sir.
Q What proportion of Choctaw blood do you claim to have? A He claims 1/8. I am his daughter.
Q Your mother has no Choctaw blood? A No sir.
Q Then what do you claim? A I guess I would claim an 1/8.
Q He is an 1/8? A Yes sir.
Q You would have just half as much as he would be? A I don't know. All of the rest of the children - he has applied for them himself.
Q Now, what do you think you ought to be, your father is an 1/8, and your mother no Indian blood, what would you be? A I couldn't tell you that.
Q It would be a 1/16, wouldn't it? A I guess so, yes sir.
Q Where were your father and mother married? A I don't know -- they was married -- you mean in which State?
Q Yes? A In the State of Mississippi.
Q Now, what place, do you know? A No sir, near Shubuta.
Q Do you know where they got their license, or whether they got a license or not? A I know they got a license; I think at Quitman.
Q You haven't your marriage license and certificate with you? A No sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A I don't know.
Q Are you married? A No sir.
Q This application is solely in your own behalf? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls out in Indian Territory? A I don't know sir.

Marion Wells, #2.

Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of the tribe, or did any one else ever make such an application for you? A No sir.

Q Did you or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q This is the first application of any kind you ever made? A Yes sir.

Q You now desire to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your rights as a beneficiary under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Did you ever receive any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know sir.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A Yes sir, I think so.

Q You think they were? A I don't know.

Q Have you any evidence that any of your ancestors were recognized members of the tribe at that time? A Yes sir.

Q What evidence have you? A Well, my father has told me.

Q You are sure he told you your people were recognized members of the tribe here at that time? A Yes sir, I guess they was.

Q Well, what one of your ancestors was a recognized member of the Choctaw tribe of Indians here in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made? A My great grand father.

Q What was his name? A Absalom Reed.

Q But you have no evidence that he was a recognized member of the tribe except what your father has told you? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A I don't that they did. I don't know anything about it.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Marion Wells, #3.

Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of the treaty or ever received any benefits thereunder? A No sir.
Q Do you desire permission to file such papers at a later date?
A Yes sir.

Permission is granted to the applicant to file any proper documentary evidence, in support of this application within a period of thirty days from the date hereof.

Q Do you speak or understand the Choctaw language? A No sir.

(This applicant has the appearance of being a white woman and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provision of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

[Signature]
Notary Public.

COPY.

M.C.R. 2781

Muskogee, Indian Territory, October 27, 1902.

Marion Wells,

Quitman, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Rawls, et al.,	M.C.R. 2386
James W. Reed, et al.,	M.C.R. 1784
George Reid, et al.,	M.C.R. 2384
John S. Reid, et al.,	M.C.R. 2644
Doeia McKee, et al.,	M.C.R. 3698
William T. Wells, et al.,	M.C.R. 2825
Marion Wells,	M.C.R. 2781
Fannie Stallings, et al.,	M.C.R. 2786
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Marion Wells 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Erma R. Reid, Doria McKee, Lillian McKee, Charlie McKee, Annie May McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varena Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Anna Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

J. R. Enoch
Commissioner in Charge.

M.C.R. 2761

COPY

Muskogee, Indian Territory, February 28, 1903.

Marion Wells,

Quitman, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Jane Bixby.

Chairman.

#1030

No. 2781

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name *Marion Wells* (F)

Age *21* Blood *1/16*

Post Office, *Quitman, Miss.*

Father: *Willie Wells* L.

Mother: *Elizabeth* " L.

Claims through *father*

(Claims for self only.)

Children:

Stenographer

R. S. Street

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

2781

Marion Smith

CONVICTED: OCT 2, 1902

OCT 27 1902

2781

CHOCTAW MCR 2782

WILMER MIXON

MCR 2782

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Wilmer Nixon for the identification of herself and four minor children as Mississippi Choctaws.

Wilmer Nixon, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Wilmer Nixon.
Q What is your age? A Thirty two.
Q What is your post office address? A Laurel, Mississippi.
Q What county? A Jones.
Q How long have you lived in the State of Mississippi? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Hampton Wells.
Q Is your mother living? A No sir.
Q What was her name? A Susan Wells.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Did your mother live in the State of Mississippi? A Yes sir.
Q How long did she live here? A I think she lived here all her life; I know she did.
Q What proportion of Choctaw blood do you claim to have? A 1/8.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out in Indian Territory, by the Choctaw tribal authorities or the United States authorities?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jonas Nixon.
Q Is he living? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children? A Four.
Q Give me their names and ages? A Alma, 12; Austin, 10; Cammie, 5, Hill 3.
Q Is that all your children? A That 's all that 's living.
Q You are the mother of these four children? A Yes sir.
Q What is the name of their father? A Jonas Nixon.
Q He is the father of all of them? A Yes sir.
Q Alma is a girl? A Yes sir.
Q And is Austin a boy? A Yes sir.
Q Cammie a girl? A Yes sir.
Q Hill a boy? A Yes sir.
Q These children are all living with you at this time, are they?
A Yes sir.
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls out in Indian Territory?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be

Wilder Nixon, et al., #2.

enrolled as members of the Choctaw tribe? A No sir.

Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.

Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made any application prior to this time for yourself or any of these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any description you have ever made? A Yes sir, I come mighty near not making this.

Q You now desire to make application for the identification of yourself and four minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? A No one but my grand pa.

Q What was his name? A Absolon Reed.

Q Was he your mother's father? A Yes sir.

Q How do you know he was living here in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I have been looking it up and found it out.

Q How did you find it out? A Went back to the place where he lived.

Q Where did he live at that time? A In Jasper County.

Q How much Choctaw blood did he have? A Half.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir, the only time he ever went there was to ride the mails there; they wouldn't allow the white people in there then.

Q My question was whether any of your ancestors were recognized members of the Choctaw tribe of Indians here in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made?

A Well, I don't know.

Q You have no evidence that they were? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States?

A I don't know.

Wilmer Nixon, et al., #3.

Q Did any of your ancestors ever claim or receive any land in the State of Mississippi as beneficiaires under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know that either.

Q Are there any further statements you desire to make at this time in support of your application? A I know my grand pa had plenty of land.

Q Where did he own land? A Up in Jasper County.

Q You don't know whether he got it from the Government? A No sir.

Q How much did he own there? A I don't know how much he owned, but just a large plantation.

Q When did he own that land? A All the time he lived there.

Q When did he live there? A When did he die? A I don't know when he died.

Q Have you any documentary evidence, affidavits written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty, or ever received any benefits thereunder? A No sir.

Q Do you want permission to file such papers later? A Yes sir. Permission granted to applicant to file proper evidence in thirty days.

Q Do you speak or understand the Choctaw language? A No sir.

(This applicant has the appearance of being a white woman, and shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make for the identification of yourself and four minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of same made to the Secretary of the Interior conformable to Section 21 of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

R. S. Streit


Notary Public.

COPY.

M.C.R. 2782

Muskogee, Indian Territory, October 27, 1902.

Wilmer Nixon,

Laurel, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Rawls, et al.,	M.C.R. 2385
James W. Reed, et al.,	M.C.R. 1784
George Reid, et al.,	M.C.R. 2384
John S. Reid, et al.,	M.C.R. 2644
Docia McKee, et al.,	M.C.R. 3698
William T. Wells, et al.,	M.C.R. 2828
Marion Wells,	M.C.R. 2781
Fannie Stallings, et al.,	M.C.R. 2788
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Wilmer Nixon 2

Said Commission concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Erma B. Reid, Docia McKee, Lillian McKee, Earlie McKee, Annie May McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varona Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Ann Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WILSON

Registered.

Commissioner in Charge.

M.C.R. 2762

COPY.

Muskogee, Indian Territory, February 28, 1903.

Wilmer Nixon,

Laurel, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

B. 274

Wilmer Nixon et al.

REFUSED

DECISION RENDERED. OCT 27 1902

RE OF DECISION MAILED APPLICANT.

OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

FEB 28 1903

RECEIVED BY MAIL
OCT 27 1902

RECEIVED BY MAIL
OCT 27 1902

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY - CHOCTAW
AND CHICKASAW NATION

OCT 27 1902

REFER TO M. C. R. 2385

#1031

No. 2782

For Identification as a Mississippi Choctaw.

Date JUN. 1901

Name Wilmer Nixon

Age 32 Blood 1/8

Post Office, Laurel, Miss.

Father: Hampton Wills d

Mother: Susan " d

Claims through mother
~~husband~~

Jonas Nixon L.
(no claim for husband)

Children:

Alma Nixon 12

Austin " 10

Cammie " 5

Will " 3 mo.

(Claims for self and
4 minor children)

Stenographer

R. S. Strick

CHOCTAW MCR 2783

ANNA PADGETT

MCR 2783

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of Anna Padgett for the identification of herself and three minor children as Mississippi Choctaws.

Anna Padgett, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Anna Padgett.
Q What is your age? A Thirty three.
Q What is your post office address? A Mobile, Alabama.
Q What is your local address, street number? A Scott and Elmira Streets.
Q How long have you lived in Mobile? A Eight years.
Q Where did you live before you went to Mobile? A Mississippi.
Q What place? A Well, I was raised right close to Egypt, and I was living at Desoto.
Q How long have you lived in Mississippi? A All my life until I married and moved to Mobile, Alabama.
Q Is your father living? A No sir.
Q What was his name? A Hampton Wells.
Q Is your mother living? A No sir.
Q What was her name? A Susan Wells.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Does your mother live in the State of Mississippi? A Yes sir.
Q Did she live here all her life? A Yes sir; all her life; she was never out of the State.
Q What proportion of Choctaw blood do you claim to have? A 1/8.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians out in Indian Territory by the Choctaw tribal authorities or the United States authorities?
A I don't know; say it again.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I know that my mother -- her father was a mail carrier through the Indian Territory when they wouldn't let a white man go there.
Q Your mother never lived out there? A I guess not.
Q You don't know then whether she was ever recognized or enrolled out there or not? A No sir.
Q Were you married? A Yes sir.
Q What is your husband's name? A Benjamin Franklin Padgett.
Q Is he living? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A None at all.
Q Have you any children? A Three.
Q What are their names and ages? A The oldest one is named Porter, eight years old.
Q Girl or a boy? A Boy.
Q The next one? A Wilmer.
Q How old is Wilmer? A Five.

Anna Padgett, et al., #2.

Q Boy or girl? A Girl.

Q The next one? A Benjamin.

Q How old is Benjamin? A One year.

Q Is that all? A That 's all.

Q This application is for yourself and three minor children? A Yes sir.

Q Are you the mother of all these three children? A Yes sir.

Q What is the name of their father? A Benjamin Franklin Padgett.

Q All three your children and of Benjamin Franklin Padgett? A Yes sir, all three.

Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be enrolled as members of the tribe? A No sir.

Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any one of these minor children?

A That is before I was big enough to know anything about it.

Q 1896 was? A Oh! no sir.

Q Have you, or any one of these children, ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made any application prior to this time for yourself or any of these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any description you have made?

A Yes sir; this is the first.

Q You now desire to make application for the identification of yourself and these three minor children as Mississippi Choctaws?

A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A I can't answer that question.

Q You don't know? A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A I don't know that.

Q You have no evidence that they were? A No.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Well, how do I know that?

Q Answer my question the best you can; and if you don't know, say you don't know? A I don't know.

Q Did any of your ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States?

A I don't know.

Anna Padgett, et al., #3.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q You are sure of that are you? A Yes sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir, I guess that's all.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A I want to file some later.

Permission is granted to the applicant to file proper documentary evidence in support of the application she makes at this time, within a period of thirty days from the date hereof.


Q Do you speak or understand the Choctaw language? A No sir, when I was little I could speak some, but I have forgotten it.

(This applicant has the appearance of a white person. She does not speak or understand the Choctaw language. Her hair, colored and features would indicate that she might be possessed of a very small proportion of Indian blood.)

The decision of the Commission as to the application you make at this time for the identification of yourself and three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28th, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings had in the said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 26th day of July, 1901.

R. S. Streit

Notary Public.

COPY.

M.C.R. 2783

Muskogee, Indian Territory, October 27, 1902.

Anna Padgett,
Scott & Elmira Streets,
Mobile, Alabama.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws

Margaret Rawls, et al.,	M.C.R. 2385
James W. Reed, et al.,	M.C.R. 1784
George Reed, et al.,	M.C.R. 2384
John S. Reid, et al.,	M.C.R. 2644
Doris McKee, et al.,	M.C.R. 3698
William T. Wells, et al.,	M.C.R. 2825
Marion Wells,	M.C.R. 2781
Fannie Stallings, et al.,	M.C.R. 2788
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Erna B. Reid, Decia McKee, Lillian McKee, Earlie McKee, Annie May McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varena Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Anna Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

C. H. Drockinridge.
Commissioner in Charge.

M.C.R. 2783

COPY.

Maskogee, Indian Territory, February 28, 1903.

Anna Padgett,

Corner of Scott and Elmira Streets,

Mobile, Alabama.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

SIGNED,

Tams Bixby.

Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 278

Anna Padgett, et al
REFUSED

DECISION RENDERED, OCT 27 1902
NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

OCT 27 1902

NOTICE OF DECISION FOR ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 17 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

FEB 28 1903

REFER TO C. R. 2385

#1032

No. 2783

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name *Unna Padgett*

Age *33* Blood *1/8*

Post Office, *Mobile, Ala.*

Scott & Elmira Sts.

Father: *Hympston Wells* d

Mother: *Susan* " d

Claims through mother
husband.

Benjamin F. Padgett L
(no claim for husband)

Children:

~~*Porter*~~

Porter (boy) 8

Wilmer (girl) 5

Benjamin 1

(Claims for self and

3 minor children.)

Stenographer

R. S. Strick

CHOCTAW MCR 2784

GEORGE EVERETT

MCR 2784

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, June 28, 1901.

In the matter of the application of George Everett for the identification of himself and two minor children as Mississippi Choctaws.

George Everett, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A George Everett.
Q What is your age? A Forty years old.
Q What is your post office address? A Cocoa, Alabama.
Q What county? A Choctaw County.
Q Where were you born? A I was born down here below Isney.
Q Alabama? A Yes sir.
Q Have you always lived in Alabama? A Yes sir.
Q What is your father's name? A Isaac Everett.
Q Is he living? A Yes sir.
Q What is your mother's name? A Phillis.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A I don't know sir, exactly how much it is in me. My mother she claims half.
Q How much do you claim? A Well, I never have put no claim.
Q Don't you know? A No sir, I don't know; I, of course, couldn't be positive how much there was in me.
Q What was your father's blood? A African.
Q Was he a slave before the war? A Yes sir, he was.
Q Your father was a colored man, you say, and he was a slave before the war? A Yes sir.
Q And your mother, you say, was half Choctaw? A Yes sir.
Q And what was her other blood? A Negro.
Q Was she a slave before the war? A I don't know, sir, really.
Q Were you a slave before the war? A No sir, I was a good big boy.
Q But before freedom, were you a slave? A No sir. In this way, I wasn't - of course, I was there and a good big chap; her father was a slave.
Q And your mother was a slave; don't you know your mother was a slave? A Well, she was a slave - of course, she says she stayed there with the white people all the time; I never have heard her say she was a slave.
Q Don't you know whether you were a slave when you were a child?
A Yes sir; I was a slave for I was there before the surrender.
Q You say you are forty years old, is that right? A Yes sir, I guess it is.
Q Don't you remember hearing someone say your mother or father or someone say your mother was a slave before the war? A Yes sir, I believe I have.
Q Did your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever go to the Indian Territory, or

George Everett, et al., #2.

was she ever recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Frances Tulop, but she is a Frances Everett now.

Q What is her blood? A Negro.

Q Do you make any claim for her? A No sir.

Q How many children under twenty one years of age and unmarried have you? A I have got two that are under age? A

Q Give me the name of the oldest? A Dora.

Q How old is Dora? A She is fifteen.

Q Give me the name of the next? A Ada.

Q How old is Ada? A 12 years old.

Q Is that all? A Yes sir.

Q Is Frances the mother of these two children? A Yes sir.

Q Are you the father? A Yes sir.

Q Are they living with you at your home? A They was right there;

I ~~left~~ left them there this morning when I left there

Q You support them? A Yes sir, I farm every year - me and them.

Q Were you married under a license to your wife? A Yes sir.

Q Have you your marriage license and certificate with you now?

A No sir, I hasn't got them.

Q Has anybody got them? A No sir, I would have to go and get them.

Q You didn't bring them? A No sir.

Q Is your name, or the names of your children, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for yourself and children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you, or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June, 18, 1896? A No sir.

Q Have you ever been admitted to citizenship, your or your children, in the Choctaw Nation, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

Q Have you ever made a plication for yourself or children before this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Never have before this time.

Q This is the first application of any description you have made?

A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir, not a bit.

Q Can you give the name of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was ratified between the Government of the United States and the Choctaw tribe of Indians? A No sir; well, I have heard a heap of the names called.

George Everett, et al., #3.

Q Give me the name of your mother's father, or your mother's mother's name? A I 'll tell you to be true, to the best of my judgment, I couldn't really do it; I couldn't say because I have never seen either one of them.

Q You don't know anything about them? A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir.

Q Did any of your ancestors, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under Article 14 of the treaty of 1830? A No sir, they haven't.

Q Can you talk Choctaw? A No sir; of course, I have been with them that could talk it, but never tried.

Q Are there any additional statements you desire to make in support of this application? A No sir, not particularly, that I knew of; not unless you have something to ask.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied with the provisions of Article 14 of that treaty, or ever received any benefits thereunder? A Yes sir.

Q Would you like time in which to introduce further evidence? A Yes sir.

The affidavit of H.R. Evans offered in evidence, marked Exhibit "A", filed and made a part of the record in this case.

Thirty days from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

(This applicant has the appearance and characteristics of a full blood negro; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors within any of the provisions of Article Fourteen of the Treaty of Dancing Rabbit Creek.)

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

George Everett, et al., #4.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi,
this 27th day of July, 1901.

[Signature]
Notary Public.

COPY.

M. C. R. 2784

Muskogee, Indian Territory, October 24, 1902.

George Everett,

Coopa, Alabama.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phyllis Everette, et al., embracing the following applications for identification as Mississippi Choctaws:

Phyllis Everette,	M.C.R. 2267
George Everett, et al.,	" 2784
Robert Everette, et al.,	" 2266
Davis Everette, et al.,	" 2539

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Phyllis Everette, George Everett, Dora Everett, Ada Everett, Robert Everette, Rogenie Everette, Vertie Lee Everette, Lillie Bell Everette, Davis Everette, Alice Everette, Willie Everette, Edward Everette, Lee Ever-

George Everett-----2

ette, Nora Bell Everett and Willard Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James F. Kirby
Acting Chairman.

Registered.

COPY.

M.C.R. 2764.

Muskogee, Indian Territory, February 26, 1903.

George Everett,

Cocoa, Alabama.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Phyllis Everette, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

FILED
A MISSISSIPPI

George Everett et al.
REFUSED

DECISION RENDERED. **OCT 24 1902**

NOTICE OF DECISION MAILED APPLICANT.

OCT 24 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 24 1902

RECORD FORWARDED DEPARTMENT.

NOV 10 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 13 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 26 1903

REFER TO M. C. R. **2267**

#1033

No. 211

For Identification as a Mississippi Choctaw.

Date JUN 28 1901

Name George Everett

Age 40

Blood dont know

Post Office, Cocoa, ~~Fla~~ Ala.

Father: Isaac Everett ^{negro} l.

Mother: Phyllis ^{1/2 choctaw, negro} l.

Claims through mother

wife - Frances - negro.

No claim for wife -

Children:

Lora - 15

Ada - 12

Claims for self
and children

Stenographer R. S. Tit

CHOCTAW MCR 2785

ANNIE KIRKPATRICK

MCR 2785

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie Kirkpatrick for
identification as a Mississippi Choctaw, M.C.B. 2754

Original application of Annie Kirkpatrick to
the Dawes Commission for identification as a Mis-
sissippi Choctaw,.....

Decision of the Commission regarding the ap-
plication of Annie Kirkpatrick for identification
as a Mississippi Choctaw,.....

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 1, 1901.

2786

In the matter of the application of Annie Kirkpatrick for identification as a Mississippi Choctaw.

Annie Kirkpatrick having been first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Annie Kirkpatrick.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Dennison, Texas, 1530 W. Bond St.
Q How long have you lived there? A Three years in Dennison.
Q Where did you live before that? A Round about in Texas.
Q How long have you lived in Texas? A I was borned in Texas.
Q Have you lived there all your life? A Yes.
Q Never lived outside of the State? A No.
Q What is your father's name? A George Dixon.
Q Is he living? A Yes.
Q What is your mother's name? A Louisa Dixon.
Q Is she living? A No, she has been dead for about 20 years.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A He was a half, my father was half Indian.
Q Well, how much do you claim? A Well, I guess about a third, as near as I can come; if he was a half--
Q You say your father was a half Indian? A Yes.
Q What is the other half? A Negro.
Q What was your mother? A I don't know.
Q Was she a white woman? A No; brown skinned woman.
Q Negro? A Yes.
Q Was your father ever a slave? A Yes.
Q Was your mother ever a slave? A No.
Q How does it happen that your mother was not a slave? A No she was free-born.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Yes.
Q Where? A Down East.
Q What do you mean by East? A Down this way, I suppose; I don't know, now, coming to that; I can't explain.
Q Now, has your father ever been enrolled by either the Choctaw tribal authorities or the authorities of the United States? A Yes.
A I don't know myself where; he told me but I g forget.
Q Is his name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
Q Then, what makes you think he was enrolled? A Well, he said he was but not in this part; I must tell what I know and that I don't know.
Q Has your father applied to this Commission for identification as a Mississippi Choctaw? A I don't know.
Q Are you married? A Yes.
Q What is your husband's name? A James Kirkpatrick.
Q Do you make application on behalf of your husband? A Just for myself; no.

Archie Kirkpatrick---2

Q Is he living? A Yes.

Q What is he? A Negro? we call him.

Q He is a colored man? A Yes.

Q Have you any children for whom--? A No.

Q Making this application for yourself alone? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.

Q Well, do you think it is? A Well, it must be.

Q Well, if your name is on the tribal rolls what are you coming here for? A I don't know if I got the understanding.

Q Well, do you think you have been enrolled? A Yes, that is the reason I come.

Q Well, you wouldn't come here if your name was on the roll, would you? A No.

Q Well, I want to know if your name is on any of the Choctaw tribal rolls in the Indian Territory? A Yes.

Q And you would still come here for identification? A Yes; I knew it has been put on there.

Q Well, what roll do you think it is on? A It is on this roll, I suppose.

Q What roll? A I don't know the name of it.

Q Who enrolled you? A I don't know- I guess the government did it.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? (No answer).

Q Did you apply to the Choctaw council for citizenship in the Choctaw tribe? A Yes.

Q When did you apply to the Choctaw council for citizenship in the Choctaw Nation? A That's when they met in Colbert two years ago.

Q You applied to the Choctaw council--? A Over at Tuskehoma; didn't they have it there? No; no that wasn't the Choctaw Council.

Q Did you ever apply to the Choctaw council for citizenship in the Choctaw Nation? A This is the first time I have ever made application.

Q Did you, or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A Yes, but I didn't come; I understand you now.

Q Well, what did the Commission do with your application? A I don't know.

Q You never got word that you were rejected? A No.

Q You never got word that you were admitted? A No.

Q How long ago was 1896? A I don't know---four years?

Q How did you make application in 1896? A Well, I just told him what I have just told you and I just told them.

Q Them? Who? A Some white person, I don't know who he was; and I just told them that I would come, but I never did meet them.

Q Did you never make out an application in 1896 and send it in?

Q No, I never did.

Q You didn't make application in 1896 to this Commission for citizenship in the Choctaw Nation--? A Now is the time I come; this is the onliest time- I couldn't understand what you was talking about.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Not until now.

Q Is this the first application of any description you have ever made? A Yes- you are making it plain now so I can understand.

Amie Kirkpatrick--2

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Are you familiar with the provisions of that article? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No, none of them.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know nothing about that no more than what my father told me.

Q Was your father living in Mississippi in 1830? A I don't know.

Q So you don't know the name of your ancestor who lived in Mississippi in 1830? A No, I don't know, only what my father told me.

Q Well, who, did he tell you, was your Indian ancestor? A What do you mean by that? A

Q Well, did he tell you that it was his father, your---A It was his mother.

Q Did she live in Mississippi in 1830? A I don't know- you see my mother died when I was about three years old.

Q Well, you claim through your father? A Yes.

Q Has your father never told you whether your grandmother lived in Mississippi in 1830? A No.

Q What was the name of your father's mother? A He told me- but I forget.

Q Have you any evidence showing that your ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No, only what he told me.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A What do you mean by that?

Q I mean did she come West with the other Indians from 1833 to 1838? A I don't know.

Q If she did not remove with the other members of the tribe, did she, within six months after the ratification of this treaty signify to the United States Indian Agent to the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A Now, what do you mean by that?

Q Well, I mean, did she go to the Indian Agent there and tell him that she didn't want to come West with the other Indians but wanted to stay in Mississippi and become a citizen of the United States?

QA I don't know; I can't tell you; that's way out of my latitude there.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A What do you mean?

Q Well, has your grandmother, great-grandmother and or any ancestor of yours ever received any land in Mississippi under this treaty? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Did they ever receive any thing?

Q Have you any papers showing whether they did or not? A No.

The decision of the Commission as to your application for

identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 25, 1896, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a negro woman.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July, 1901.

R. H. Linsbaugh
Notary Public.

J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie Kirkpatrick for
identification as a Mississippi Choctaw, H.C.R. 1700.

DECISION.

It appears from the record hereto sent in application for
identification as a Mississippi Choctaw and made to this Commission
by Annie Kirkpatrick, for herself, under the following provision of
the Act of Congress approved June 10, 1890, (26 Stat., 493):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereto, and make
report to the Secretary of the Interior."

It also appears that the said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-

-2-

seventh, eighteen hundred and thirty, by reason of being a descendant of one George Dixon, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that the applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress, approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Dixon signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Kirkpatrick as a Choctaw Indian entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty

of sixteen hundred and thirty, and that the application for her
identification as such should be returned, and it is so ordered.

COMMISSIONER OF THE INDIAN CIVILIZED TRIBES.

SIGNED: Tarns Diaby
Acting Commissioner

SIGNED: I. B. Noches
Commissioner

SIGNED: G. R. Freeman
Commissioner

Dated at Muskogee,
Indian Territory, this
OCT 21 1902

M.C.R. 2788

Muskogee, Indian Territory, October 21, 1902.

Annie Kirkpatrick,
1530 West Bond Street,
Denison, Texas.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Annie Kirkpatrick, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Kirkpatrick as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Assessors

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

George B. Dyer
Acting Chairman

Registered.

Muskogee, Indian Territory, October 21, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Annie Kirkpatrick, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Kirkpatrick as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant herein has been

M...MCM...& C.....B

allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

M.C.R. 2785

COPY

Muskogee, Indian Territory, November 6, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Annie Kirkpatrick, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 21, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Samuel D. Smith
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M C R 2785

D.C.No.5459-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD.1242-1903.
L R S

February 21, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I . T.

Gentlemen:

November 6, 1902, you transmitted the record in the matter of the application of Annie Kirkpatrick for identification as a Mississippi Choctaw, including your decision of October 21, 1902, adverse to the applicant.

She claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one George Dixon who is alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said George Dixon Complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 4, 1903, the Acting Commissioner of Indian Affairs recommends your decision be approved; a copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Land.
67,808-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, February 4, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Annie Kirkpatrick for identification as a Mississippi Choctaw.

The testimony in this case shows that the applicant is unable to give the name of an Indian ancestor who was the head of a family in 1830; whether that ancestor was a member of the Choctaw tribe of Indians in Mississippi or Alabama in 1830, or whether the ancestor complied with or received land or scrip under the 14th article of the Choctaw treaty of 1830.

The applicant claims right to identification by reason of being a descendant of one George Dixon.

The Commission rejected the applicant because the name of the ancestor through whom she claims does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This office has been unable to examine its records relative

to an ancestor of the applicant who resided in the Choctaw nation in Mississippi in 1830 and complied with the provisions of the 14th article of the Choctaw treaty of 1830, through the inability of the applicant to give the name of any such ancestor.

The name of George Dixon does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of said treaty.

This being true, it is the believed that the decision of the commission is correct, and I therefore recommend that it be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

M.C.R. 2785

Muskegee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Annie Kirkpatrick, for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 21st day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

M.C.R. 2785.

Muskogee, Indian Territory, March 6, 1903.

Annie Kirkpatrick,
1530 W. Bond Street,
Denison, Texas.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Tatne Dixby.
Chairman.

Annie Kirkpatrick

REFUSED

DECISION RENDERED OCT 21 1902

FOR CHOCTAW AND CHICKASAW NATIONS.

15278

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

LETTER FORWARDED DEPARTMENT.

NOV -3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS.

MAR 6 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 6 1903

No. 2785

For Identification as a Mississippi Choctaw.

Date JUL 1- 1901

Name *Annie Kirkpatrick*

Age *28* Blood $\frac{1}{4}$ (claims $\frac{1}{3}$)

Post Office, *Derrison, Texas*

Father: ^{15-20 St. Bond St}*George Dixon 1/2 Cho 1/2 N.*

Mother: *Louisa Dixon (dead) N*

Claims through father
husband
James Kirkpatrick (negro)
(no claim for him)

~~Children:~~

Claims for herself alone

Stenographer

Henry G. Harris

CHOCTAW MCR 2786

HENRY SWINNEY

MCR 2786

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Henry Swinney, et al.,
for identification as Mississippi Choctaws, M.C.R. 2786.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Henry Swinney, et al.,

	(Page)
Original application of Henry Swinney, et al., before the Dawes Commission for identification as Mississippi Choctaws..	1
Decision of the Commission refusing the application of Henry Swinney, et al., for identification as Mississippi Choctaws.....	2

-----0-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I/ T. July 1, 1901.

2782

In the matter of the application of Henry Swinney for the identification of himself and his minor children as Mississippi Choctaws.
Henry Swinney having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Henry Swinney.
Q What is your age? A Thirty-four.
Q What is your post-office address? A Dennison, Texas.
Q Have you a street Number? A I haven't got any.
Q How long have you lived there? A I just moved up there in January.
Q Where did you live before that? A Down in Ellis County, Texas.
Q How long have you lived in Texas? A Born in Texas.
Q Have you lived there all your life? A Yes.
Q Never lived outside of the State? A No.
Q What is your father's name? A Jack Swinney.
Q Is he living? A Yes.
Q What is your mother's name? A Maria Swinney.
Q Is she living? A No, she is dead.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know.
Q About how much? A I don't know exactly- my young boss, I got a letter from him - he had written in on the letter how much it is.
Q How much did he say it is? A He said my mother's father was 3/4.
Q How much would that make you? A I don't know.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not as I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Betty Swinney.
Q Is she living? A Yes.
Q Do you make application on behalf of your wife? A No.
Q What was she? A Negre woman.
Q What was your father? What blood? A He was just a nigger man; no Indian blood in him.
Q Was he a slave? A Yes.
Q Was your mother a slave? A Yes.
Q Were you ever a slave? A No.
Q Have you any children in your family for whom you wish to make application at this time? A Yes, I have five children.
Q Give the names and ages of these children? A One is Birdie Swinney he is going on fifteen years old. Sally Swinney- that's my eldest daughter- ten years old. The next is Raymond, I don't know exactly how old Raymond is, I think he is a little in the rise of eight. Mack, he is in the rise of six. Ethelia, she is three years old.
Q These are all your children? A Yes.
Q What is their mother's name? A Betty Swinney.
Q Have all of them the same mother? A Yes.
Q When and where were you married to Betty Swinney? A In Ennis.
Q When? A I don't remember what year- it was in Ellis County.
Q Well, about how many years ago? A I reckon it's been about 17 years I think.
Q Did you obtain a license to marry? A Yes.

Henry Swinney--2

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A By Mr. Vestal he was the one married us.

Q Was he a minister? A Yes.

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I don't know what that is.

Q Well, I asked you if you got a license; and you said you did? A Yes.

Q And now I ask you if you want to give them to the Commission as evidence of your marriage? A I don't know.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of your application in behalf of your minor children. A Yes.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A I don't know my mother's kin.

Q I say is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or children to be enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States Court for yourself or your children to be admitted or enrolled as citizens of the Choctaw nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A I don't know about Mississippi; I belong to the Choctaw Indian Nation.

Q Are you making application now as a Mississippi Choctaw? A I don't like to say a Mississippi Choctaw.

Q Well, if you are not making application for identification as a Mississippi Choctaw we cannot hear you; you will have to go on to Muskogee, if you want to apply for anything else.

Q You will have to decide- A Yes.

Q Did any of your ancestors ever live in Mississippi? A I don't know.

Q Well, you will have to make up your mind- A Well, I can apply to the Mississippi then.

Q You do apply as a Mississippi Choctaw, then? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes, I reckon so; I don't understand.

Q Do you know the fourteenth article of the treaty of 1830; are you familiar with it? A No.

Q Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signifying to the agent his intention within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner

Henry Swinney---3

shall be entitled to one-half that quantity for each unmarried child which is living with him under ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know what is their name.

Q Is it your grandmother or grandfather or your great-grandmother-- A Its my grandfather.

Q Have you any evidence showing that he was a Choctaw Indian? A No, nothing but this letter.

Q What was his name? A His name is on the latter I can read it and tell exactly what it is.

Applicant hands in letter from J.H. Anderson in which the name of Anderson Mayfield is stated as his grandfather.

Q Anderson Mayfield? A I reckon it is.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Are there any further statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.

On request of applicant, thirty days time is allowed applicant in which to file marriage license and certificate or certified copy.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws will be determined at the earliest possible date and report of the same will be made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant appears to be negro and shows no signs of Western
Indian blood.

Henry G. Hains being duly sworn on his oath states that as sten-
ographer to the Commission to the Five Civilized Tribes he reported
in full all proceedings had in the above entitled cause on July 1,
1901, and that the above and foregoing is a full, true and correct
transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July, 1901.

Robt. Linbaugh
Notary Public

off
coll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Swinney, et al.,
for identification as Mississippi Choctaws, M.C.R. 2786.

D E C I S I O N.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Henry Swinney, for himself and his five minor children, Berdie, Sally, Raymond, Mack and Ethelia Swinney, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Anderson Mayfield, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Anderson Mayfield, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats.,

150) and August 23, 1842 (8 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Swinney, Rordie Swinney, Sally Swinney, Raymond Swinney, Mack Swinney, and Ethelia Swinney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tams Blatty.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

OCT -8 1902

Muskogee, Indian Territory, January 14, 1902.

Henry Sweeney,

Cadde, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 27, 1901, in which you state that you are a Choctaw by blood and appeared before the Commission at Atoka, Indian Territory last summer, and that your present post office address is Cadde, Indian Territory.

In reply to your letter you are advised that our records show that you appeared before the Commission at Atoka, Indian Territory and applied for the identification of yourself and your minor children as Mississippi Choctaws, and that no decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaws. When a decision is reached you will be notified of the action taken by the Commission. The change in your post office address has been made a matter of record.

Yours truly,

Commissioner in Charge.

MO 4786

Miss. Choctaw 2786

Muskogee, Indian Territory, April 8, 1902.

Henry Sweeney,

Caddo, Indian Territory,

Dear Sir:

Your letter of March 22, addressed to the Secretary of the Indian Territory, has been referred to this Commission for consideration and appropriate action. You state therein that you are part Choctaw Indian and have made application as a Choctaw; that since the date of making your application you have removed to the Indian Territory and your present address is Caddo.

In reply to your letter you are advised that it appears from our records that you are an applicant for the identification of yourself and your five minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

The change in your post office address has been made a matter of record.

Yours truly,

Commissioner in Charge

M.C.R. 2786.

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Henry Swinney, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 8th 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

M.O.A. 2786.

COPY,

Muskogee, Indian Territory, October 3, 1902.

Henry Swinney,
Denison, Texas.

Dear Sir:-

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Swinney, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Swinney, Bordie Swinney, Sally Swinney, Raymond Swinney, Mack Swinney and Ethelia Swinney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

Henry Swinney, #2

and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

SIGNED,

James D. Bixby.

Acting Chairman.

Registered.

Waskagee, Indian Territory, October 8, 1902.

Manfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Swinney, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Swinney, Bordie Swinney, Sally Swinney, Raymond Swinney, Mack Swinney and Ethelia Swinney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty,

and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(S)

Samuel D. Dwyer,

Acting Chairman.

Miss. Choctaw R2786

Muskogee, Indian Territory, October 28, 1902.

H. Swinney,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, inclosing affidavit of J. H. Hamilton, which you wish to have filed in the matter of your application for identification as a Mississippi Choctaw and the same is returned to you herewith for the reason that on October 8, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, notice of which was sent you by registered mail to Denison, Texas, and the record in your case was, on that date, forwarded to the Secretary of the Interior for review. You will be notified in due time of the action taken by the Secretary of the Interior in your case.

Respectfully,

Commissioner in Charge.

C O P Y .

Land
60,713-1902.

DEPARTMENT OF THE INTERIOR,

Office Of Indian Affairs,

Washington, Dec 5, 1902.

The Honorable

The Secretary of the Interior.
Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the Matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Henry Swinney for himself and his five minor children, Bordie, Sally, Raymond, Mack and Ethelia Swinney, wherein a decision adverse to the applicants was rendered by the commission on October 8, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Anderson Mayfield who, they claim, was a Choctaw Indian and a resident of the Choctaw nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected these parties because the name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been

enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of the party from whom these applicants claim descent, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved,

Very respectfully,

(Signed)

W. A. JONES,

Commissioner.

(E.B.H.)

75877

D.C. 25825-1902

DEPARTMENT OF THE INTERIOR,
Washington.

RAF

ITD. 7724-1902
L.R.S.

December 24, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Henry Swinney and his minor children, Bordie, Sally, Raymond, Mack and Ethelia Swinney.

The applicants claim rights in Choctaw lands under article XIV of the treaty of September 27, 1830, by reason of being descendants of one Anderson Mayfield, alleged to have been a three-fourths blood Choctaw Indian residing in Mississippi in 1830.

The evidence fails to show that any one of the applicants was ever enrolled or admitted as a citizen of the Choctaw Nation, or that said Anderson Mayfield or a less remote ancestor complied or attempted to comply with said article XIV or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 8, 1902.

Forwarding the papers December 5, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

After a careful consideration of the whole record, the Department affirms the decision rendered.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

COPY.

H.C.R. 2754

Muskogee, Indian Territory, January 5, 1903.

Henry Swinney,
Caddo, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Henry Swinney, et al., of which decision you were duly advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

Tame Dixby
Acting Chairman.

COPY.

M.C.R. 2785

Muskogee, Indian Territory, January 5, 1903.

Mansfield, McIneray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Henry Swinney, et al., of which decision you were advised by mail on the 8th day of October, 1902.

Respectfully,

Tame Dixie.

Acting Chairman.

M C R 2786

Muskogee, Indian Territory, March 23, 1903.

Henry Swenney,
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that you gave the wrong name of your common ancestor when you made application to this Commission for identification as a Mississippi Choctaw. You ask if you can appear before the Commission and correct this mistake.

In reply to your letter you are informed that on December 24, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The Commission now considers this case closed and is without authority to re-open the same.

Respectfully,

Chairman.

No. 2786

For Identification as a Mississippi Choctaw.

Date JUL 1- 1901

Name *Henry Drvinney*
Age *34* Blood *3/16*

Post Office, *Denison, Texas*

Father: *Jack Drvinney*

Mother: *Maria Drvinney (dead)*

Claims through *mother*
wife Bettie Drvinney
(no claim for her)

Children:

<i>Bordie Drvinney</i>	<i>M</i>	<i>15</i>
<i>Sallie</i>	<i>"</i>	<i>10</i>
<i>Raymond</i>	<i>"</i>	<i>8</i>
<i>Mack</i>	<i>"</i>	<i>M 6</i>
<i>Ethelia</i>	<i>"</i>	<i>F 3</i>

(Claims for himself and five minor children)

Stenographer

Henry L Harris

CHOCTAW MCR 2787

JIM JACKSON

MCR 2787

7

4

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Jim Jackson for
Identification as a Mississippi Choctaw.

M. C. R. 2787.

C J

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Jim Jackson for
Identification as a Mississippi Choctaw.

M. C. R. 2787.

- - I N D E X . - -

Original application of Jim Jackson for identification as a Mississippi Choctaw	1
Decision of the Commission identifying said applicant	4

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 29th, 1901.

In the matter of the application of Jim Jackson for identification as a Mississippi Choctaw.

Said Jim Jackson being first duly sworn, through Choctaw Interpreter Isham Johnston, testified as follows:-

Examination by the Commission.

- Q What is your name? A Jim Jackson.
Q How old are you? A Twenty.
Q What is your postoffice address? A Conehatta, Mississippi.
Q What County? A Newton.
Q How long have you lived in Mississippi? A All life.
Q Is your father living? A Yes sir.
Q What is his name? A Tecumseh Jackson.
Q Is your mother living? A No sir.
Q What was her name? A Nancy Jackson.
Q Through which one of your parents do you derive your Choctaw blood? A Through both.
Q What proportion of Choctaw blood do you claim to have? A Full blood.
Q Did your mother always live in the State of Mississippi? A Yes.
Q Has your father always lived in the State of Mississippi? A Yes.
Q Has either of your parents ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities?
A I don't know.
Q Are you married? A No.
Q This application then is solely in your own behalf, is it? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to have your name placed on the rolls? A No.
Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Did anyone ever make any application for you to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of the Choctaw Tribe of Indians? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A No.
Q Have you ever made any application prior to this time to the Choctaw Tribal authorities or to the United States authorities to be admitted as a citizen of the Choctaw Nation or has anyone else ever made such an application in your behalf? A Yes, two years ago.
Q Where? A Decatur.

The records of the Commission show that on February 6, 1899, application was made for the identification of this applicant as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card, Field No. 356, also upon page 83 of the schedule, being number 1265 thereon.

Jim Jackson---2

Q This application made for you two years ago is the only application of any kind that has ever been made for you, is it? A Yes sir

Q You now desire to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Know one.

Q What one is that? A John Wallace, my mother's father.

Q Are you sure that John Wallace was living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Don't know.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A Don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No.

This applicant has every appearance and characteristic of a full blood Indian. He speaks and understands the Choctaw language and but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Jim Jackson---

Lee S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reports in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 29th, 1901; and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Lee S. Niles

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CW
In the Matter of the Application of Jim Jackson for
Identification as a Mississippi Choctaw.

M. C. R. 2787.

- - D E C I S I O N . - -

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on June 29, 1901, by Jim Jackson, for himself, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary therefor and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jim Jackson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

FEB 14 1900

Ardmore, I. T. February 19, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case that under the rule of law the Commission may give out to Attorneys as I have employed him to assist me in this case.

WITNESSES TO MARK:

Hena Tippet

^{his}
Jim X Jackson
_{mark}

Also applied for his wife Nately.

COPY.

M.C.R. 2787.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jim Jackson as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jim Jackson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

W. C. B.

Registered.

Enc. W. C. B. 20.

W. C. B.
Sitting Chairman.

COPY.

M.C.R. 2787

Muskogee, Indian Territory, March 11, 1903.

Jim Jackson,

Conehatta, Mississippi.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

RECORDED

John B. B. B.

Chairman

Registered

Enclosure 2787

#1034.

No. 21-7

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name Jim Jackson

Age 20 Blood full

Post Office, Conehatta, Miss.

Father: Tecumseh Jackson L.

Mother: Nancy Jackson d.

Claims through both parents
(Claims for self only)

(See Miss Choc. Card filed

No 356. Appearance
7/6/99.)

Children:

Stenographer

L. Skiles.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

1.2787

Jim Jackson

COPY OF DECISION FORWARDED
APPLICANT MAR 11 1903

CHOCTAW MCR 2788

FANNIE STALLINGS

MCR 2788

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Fannie Stallings for the identification of herself and four minor children as Mississippi Choctaws.

Fannie Stallings, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Stallings.
Q What is your age? A Thirty six.
Q What is your post office address? A Shubuta, Mississippi.
Q How long have you lived there? A I have lived there all my life nearly.
Q Where were you born? A Clarke County, Mississippi.
Q What is your father's name? A Hamp Wells.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Susan Wells.
Q Living or dead? A Dead.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q How much do you claim? A One eighth
Q Has your mother through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Floyd Stallings.
Q Is he a white man? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have four.
Q What is the name of the oldest? A Hal.
Q How old is he? A Fourteen.
Q What is the name of the next? A Vera.
Q How old is Vera? A Twelve.
Q Next? A Edna.
Q How old is Edna? A Five.
Q Next? A Bryan.
Q How old is Bryan? A Three.
Q Is Floyd Stallings the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Were you married to your husband under license? A Yes sir
Q And by an ordained minister? A Yes sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of the Choctaw tribe? A No sir.
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and children under the act of Congress of June 18 1896? A No sir.

Fannie Stallings----1.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q Have you ever made application to the Choctaw tribal authorities or the authorities of the United States before this to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made?

A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you claim your rights as beneficiaries for yourself and them under the fourteenth article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I knew all their names.

Q What are the names of any of your ancestors on your mother's side?

A I don't know anything about that.

Q Did these ancestors if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama and go to the present Choctaw Nation in Indian Territory at the time the other members of the Choctaw tribe went between the years 1833 and 1836?

A No sir.

Q If these ancestors did not remove with the other members of the tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I guess so, they stayed here.

Q Do you know that as a matter of fact? A I know my grandfather was a citizen and land owner and owned a great many slaves.

Q Do you know whether your Indian ancestors went to the Agent in 1830 and told him they wanted to stay in Mississippi? A If they did I never heard of it.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir, if they did I never heard of it.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No sir.

Q Would you like time in which to introduce documentary evidence? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance of one descended from white parents. She has no knowledge of the Choctaw language and no

James Stallings--S.

knowledge of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and four minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of June, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississipi, this 2nd day of July, 1901.

[Signature]

Notary Public.

COPY.

M.C.R. 2788

Muskogee, Indian Territory, October 27, 1902.

Fannie Stallings,

Shubuta, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Rawls, et al.,	M.C.R. 2383
James W. Reed, et al.,	M.C.R. 1784
George Reid, et al.,	M.C.R. 2384
John B. Reid, et al.,	M.C.R. 2644
Doolie McKee, et al.,	M.C.R. 3696
William T. Wells, et al.,	M.C.R. 2826
Marion Wells,	M.C.R. 2781
Fannie Stallings, et al.,	M.C.R. 2788
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Fannie Stallings 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Erma B. Reid, Doccia McKee, Lillian McKee, Earlie McKee, Annie Kay McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varena Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Anna Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

Commissioner in Charge.

M.C.R. 2700

COPY.

Muskegee, Indian Territory, February 28, 1903.

Fannie Stallings,

Shubuta, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

SIGNED

Tams Dixby.
Chairman.

#1035

No

For Identification as a Mississippi Choctaw.

Date

907

Name *Fannie Stallings*

Age *36*

Blood *1/8*

Post Office, *Shubuta, Miss.*

Father: *Kemp Wells, d.*

Mother: *Susan " d*

Claims through *mother*

~~Husband~~ *Floyd Stallings, w.*

No claim for husband.

Children:

Hal - (m) 14

Vera - 12

Edna - 5

Bryan - 3

Claims for self & children.

Stenographer *H. C. Ransom*

A MISSISSIPPI CHOCTAW, R1278

Fannie Stallings, et al
REFUSED

DECISION RENDERED. **OCT 27 1902**

NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

OCT 27 1902

NOTICE OF DECISION FORWARDED
FOR CHOCTAW AND CHOCTAW NATIONS.

RECEIVED

DEPARTMENT

NOV 12 1902

NOTICE OF DEPARTMENTAL ACTION
BY DEPT. OF INTERIOR

FEB 17 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

LB 25 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT
AND CHOCTAW

FEB 28 1903

M. D. R. 2585

CHOCTAW MCR 2789

ESSIE MOREHEAD

MCR 2789

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Essie Morehead for the identification of herself as a Mississippi Choctaw.

Essie Morehead, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Essie Morehead.
Q What is your age? A Twenty years.
Q What is your post office address? A DeSoto, Mississippi.
Q How long have you lived at DeSoto? A Not more than about four months.
Q Where were you born? A Neshabee County.
Q In Mississippi? A Yes sir.
Q Where have you lived most of your life--in what counties? A Neshabee.
Q Have you lived there all your life until you went to DeSoto?
A Yes sir.
Q What is your father's name? A Robert Gavin.
Q Is he living? A No sir.
Q What is your mother's name? A Bettie Gavin.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much do you claim? A One quarter.
Q What was your father's blood? A White.
Q And what mixture of blood did your mother have? A Indian and white.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities?
A No sir.
Q Are you married? A Yes sir.
Q Do you make application for your husband? A No sir.
Q Have you any children? A No sir.
Q What is your husband's name? A John Morehead.
Q He is a white man? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A No sir.
Q Have you ever made application before this to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
Q Is this the first application of any kind you have ever made?
A Yes sir.

Essie Kerehead----2.

- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A No sir.
- Q Have you any evidence to show that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir.
- Q Can you give the names of any of your ancestors? A No sir.
- Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians in 1835 to 1836? A I don't know sir.
- Q Did any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A I don't know sir.
- Q Did any of your ancestors to your knowledge claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't know sir.
- Q Can you speak the Choctaw language? A No sir.
- Q You have been brought up among the white people all your life? A Yes sir.
- Q Are there any additional statements you want to make in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they have ever received any benefits under that article of that treaty? A No sir.
- Q Would you like time in which to file documentary evidence? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant has the appearance of one descended from parentage composed of white and Indian blood, in which the white blood predominates. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post

Exhibit Marsham--4-5.

office address as given in your testimony at this time.

H. G. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in all all proceedings had in the above entitled cause on the 20th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. G. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 2nd day of July, 1901.

[Signature]
Notary Public.

COPY.

M.C.R. 2789

Muskogee, Indian Territory, October 18, 1902.

Essie Morehead,

De Soto, Mississippi.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi

Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2362
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2265
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Essie Morehead-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobelink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louis Nickerson, Albert Nickerson, Bettie Gavin(2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Dixby.

Acting Chairman

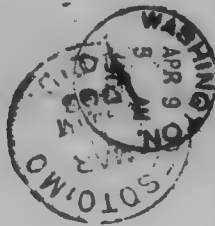
Registered.

2789

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 11 1903

[Handwritten signature]

CHAIRMAN.



45



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Essie Morehead

Dr. Soto

Mrs.

UNCLAIMED

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.B. 2700

ALLIANCE ONLY THE
COMM. TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 8, 1908.

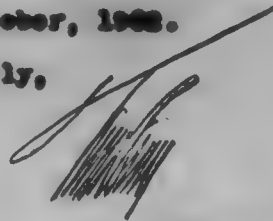
Esie Morehead,

Do Soto, Mississippi.

Dear Madam:

You are hereby notified that on the 30th day of February, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1908.

Respectfully,



Chairman.

#1036

No. 2159

For Identification as a Mississippi Choctaw.

Date JUN 20 1901

Name Essie Morehead

Age 20 - Blood 1/4

Post Office, Le Soto, Miss.

Father: Robert Gavin, ^{white} d

Mother: Bettie " ^{white} Choctaw

Claims through Mother

Husband John L. Morehead, w.

No claim for husband

~~Children~~

Claims for self
alone

Stenographer H. C. Bristow

A. MISSISSIPPI CHOCTAW. 278

Essie Morehead

REFUSED

DECISION RENDERED. OCT 18 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 18 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 18 1902

RECORD FORWARDED DEPARTMENT.

NOV - 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 5 1903

REFER TO M. C. R. 2209

CHOCTAW MCR 2790

IDA M. GAVIN

MCR 2790

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Ida M. Gavin for identification as a Mississippi Choctaw.

Ida M. Gavin, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Ida M. Gavin.
Q How old are you? A Twenty two.
Q What is your post office address? A DeSoto, Mississippi.
Q How long have you lived at DeSoto? A I have only been there four months.
Q Where were you born? A Nuxubbee county.
Q Mississippi? A Yes sir.
Q Have you always lived in the state of Mississippi? A All my life yes sir.
Q What is your father's name? A Robert Gavin.
Q Is he living or dead? A He has been dead seven years.
Q What is your mother's name? A Bettie Gavin.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One quarter Choctaw and three quarters white.
Q Your father was all white? A Yes sir.
Q And your mother was what mixture? A My grandmother was an Indian and my mother's father was a white man- he was a northern man.
Q Your mother is white and Indian? A Yes sir.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know sir.
Q You are not married? A No sir.
Q You make application for yourself alone? A For myself alone.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A Never have.
Q Did you or any one for you in 1896 make application for to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Never have.
Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be enrolled or admitted as a citizen of the Choctaw Nation? A No sir.
Q Is this the first application of any kind you have ever made?
A First I ever made.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Ida M. Gavin----2.

Q Do you claim your rights as a beneficiary under the provisions of article fourteen of the treaty of 1830? A Yes.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q Never received any land or money? A Not as I know of.

Q Can you give the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw Indians? A My mother only knew her mother was an Indian---she got lost from her.

Q You yourself do not know anything about your grandparents on your mother's side? A No sir.

Q Your grandparents on your father's side were all white people? A Yes sir.

Q You do not claim any other blood except Choctaw and white? A No, sir.

Q Have you any evidence of any kind to show that your mother's father or mother or grandfather or grandmother were recognized members of the Choctaw tribe of Indians in 1830. A No sir, I think I can get such evidence.

Q Did your ancestors if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A I don't know sir.

Q If your ancestors did not remove with the other members of the tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi an intention to stay in Mississippi and become citizens of the United States? A I don't know sir.

Q Have any of your ancestors ever received or claimed any land in Mississippi from the government as beneficiaries under article fourteen of the treaty of 1830? A I never heard of it.

Q Can you speak the Choctaw language? A No sir.

Q You were not brought up among the Choctaws? A I was brought up with my father's people all my life.

Q That is the white branch of your family? A Yes sir.

Q You have been brought up as a white woman all your life? A Yes.

Q You have not associated with the other branch---the Choctaw branch? A No sir, never have.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of article fourteen of that treaty or ever received any benefits under that article of that treaty? A Not that I know of.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

This applicant appears to be descended from ancestry of mixed

Ida M. Savin---I.

blood composed of white and Choctaw in which the white predominates. There are traces of Indian blood substantiating her testimony as to the quantum she claims to have. She does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of July, 1901.

[Signature]
Notary Public.

COPY.

M.C.R. 2790

Muskogee, Indian Territory, October 18, 1902.

Ida M. Gavin,

De Soto, Mississippi.

Dear Madam:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Bettie Gavin, et al., embracing the following applications for identification as Mississippi Choctaws:

Bettie Gavin, et al.,	M.C.R. 2209
Owen Gavin, et al.,	M.C.R. 2261
Henry Gavin, et al.,	M.C.R. 2629
Ella Nickerson, et al.,	M.C.R. 2365
Bettie Gavin, et al.,	M.C.R. 2262
Gus Gavin, et al.,	M.C.R. 2211
Maggie White, et al.,	M.C.R. 2263
Ida M. Gavin,	M.C.R. 2790
Essie Morehead,	M.C.R. 2789

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Ida M. Gavin-----

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Gavin, Patty Gavin, Essie Gavin, Owen Gavin, Minnie Gavin, Alberta Gavin, Bobelink Gavin, Catherine Gavin, Lloyd Gavin, Nellie Gavin, Annie Gavin, Logan Gavin, Henry Gavin, Arnold Gavin, Eugene Gavin, Ella Nickerson, Walter Nickerson, Maggie Nickerson, Minnie Nickerson, Moses Nickerson, Louie Nickerson, Albert Nickerson, Bettie Gavin, (2), Benjamin Gavin, Frank Gavin, Kate Juanita Gavin, Johnnie Malcolm Gavin, Gus Gavin, Lula Gavin, Maggie White, Sadie May White, Joseph Elmer White, Ida M. Gavin and Essie Morehead as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

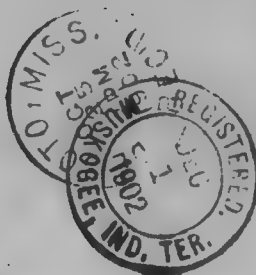
(SIGNED).

James D. Dinkley
Acting Chairman

Registered. "

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.
FILED
DEC 2 1902

[Signature]
ACTING CHAIRMAN



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Can not be found



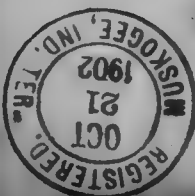
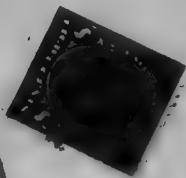
Aug
31

2938

1846

Ida M. Garvin,
De Soto, Mississippi.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



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Department of the Interior.

Commission to the Five Civilized Tribes,

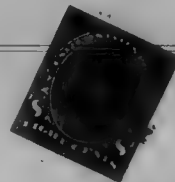
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Ida M. Garvin,

De Soto, Mississippi.



2790

File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 14 1903

A handwritten signature in dark ink, appearing to be 'J. H. ...'.

CHAIRMAN



Ret Unclaimed

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Ida M Gavin

~~Desoto~~

~~Miss~~

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2790

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 5, 1903.

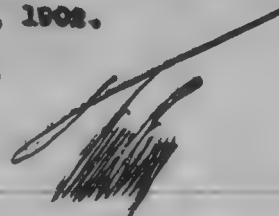
Ida M. Gavin,

De Soto, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Bettie Gavin, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,



Chairman.

#1037

No.

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name *Ida M. Gavin.*

Age *22* Blood *1/4*

Post Office, *Le Soto, Miss.*

Father: *Robert Gavin, w. d.*

Mother: *Bettie Gavin, w. d.*

Claims through *mother.*

~~Claims~~

*Claims for self
alone*

Stenographer *H.C. Rushin*

A MISSISSIPPI CHOCTAW

Ida M. Gavin

REFUSED

DECISION RENDERED. OCT 18 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 18 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 18 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 18 1902

RECORD FORWARDED DEPARTMENT.

NOV - 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 5 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 5 1903

REFER TO M. C. R. 2209

CHOCTAW MCR 2791

WILLIE WILSON

MCR 2791

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Willie Wilson, et
al., for identification as Mississippi Choctaws, M.C.R. 2791.

I N D E X

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Original application of Willie Wilson, et al., for identification as Mississippi Choctaws	1
Testimony of Shook Himonubbe, taken at Meridian, Mississippi July 9, 1901,	6
Decision of the Commission identifying Willie Wilson et al., as Mississippi Choctaws	12

2791

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 29th, 1901.

In the matter of the application of Willie Wilson for identification as a Mississippi Choctaw, also for the identification of his wife and two children and one niece.

Said Willie Wilson, being first duly sworn through Isham Johnston, sworn Choctaw interpreter, testified as follows:-

Examination by the Commission.

- Q What is your name? A Willie Wilson.
Q How old are you? A Thirty.
Q What is your postoffice address? A Ennis, Mississippi.
Q What County? A Kemper.
Q How long have you lived in the State of Mississippi? A All life.
Q Is your father living? A No.
Q What was his name? A Willis.
Q Did he have a Choctaw name? A Hotubbee.
Q Is your mother living? A No.
Q What was her name? A Ah-tubbee.
Q Through which one of your parents do you derive your Choctaw blood? A Both.
Q What proportion of Choctaw blood do you claim to have? A Full blood.
Q Both your parents then were full blood Choctaws, were they?
A Yes.
Q Did both of your parents always live in the State of Mississippi?
A Yes.
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the United States authorities? A Don't know.
Q Are you married? A Yes.
Q What is your wife's name? A Janie.
Q Do you make application for your wife too? A Yes.
Q Are you living with her at this time? A Yes.
Q How old is Janie? A Twenty-six.
Q Has she always lived in the State of Mississippi? A Yes.
Q Is Janie's father living? A Yes.
Q What is his name? A John Willis.
Q Is Janie's mother living? A No.
Q What was her name? A Don't know.
Q Through which of her parents does your wife derive her Choctaw blood? A Don't know much about him; both parents.
Q What proportion of Choctaw Blood do you claim your wife has?
A Full blood.
Q Does she speak the Choctaw language? A Yes.
Q Does she speak the English language? A No.
Q Did your wife's mother always live in the State of Mississippi?
A Yes.
Q Has your wife's father always lived in the State of Mississippi? A Yes.
Q Were either of your wife's parents ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities? A Don't know.
Q Were you married to her under a license or according to Choctaw custom? A License.
Q Have you any children? A Yes.
- 1

Willie Wilson et al--2

Q How many? A Two children, of my own, and one of my sisters children living with me.

Q What are their names and ages? A John Wilson.

Q How old is he? A Two.

Q Next one? A Donald.

Q How old is he? A Three months old.

Q These are both boys, are they? A Yes.

Q That is all of your own children? A Yes.

Q You speak of having one of your sisters children living with you, what is its name? A Bettie Shook.

Q How old is Bettie Shook? A Ten.

Q What is the name of her father? A Shook Himonubbee.

Q Is her father living? A Yes.

Q Is he a full blood Choctaw Indian? A Yes.

Q Where does he live? A Neshoba County.

Q Is Bettie's mother living? A Dead.

Q What was her name? A Margaret.

Q Was Margaret a full blood Choctaw Indian? A Yes.

Q Did Margaret always live in the State of Mississippi? A Yes.

Q Has Shook always lived in the State of Mississippi? A Yes.

Q Were either Shook or Margaret ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities? A Don't know.

Q When did Margaret die? A Five years ago.

Q Was Margaret any kin to you? A Sister.

Q Did Margaret have any other children by Shook Himonubbee? A No.

Q How long has Bettie Shook lived with you? A About ten years.

Q Did this girl Bettie live with you before her mother died? A Yes.

Q Did her mother live with you before she died too? A Yes.

Q Margaret and Shook then had separated before she died, had they? A Yes.

Q How long did Margaret live with you before she died? A Her mother stayed with me four or five months before baby was born.

Q Did she live with you from that time until the time of her death? A Yes.

Q Has the child lived with you continually since the death of its mother? A Yes.

Q Does it live with the consent of its father, Shook Himonubbee? A Yes.

Q Did he give you permission to keep the child at the death of its mother? A Yes.

Q You care for the child, provide for it the same as one of your own children, do you? A Yes, the father don't want that child.

Q Is Janie the mother of John and Donald Wilson? A Yes.

Q Are you the father of both of them? A Yes.

Q Is your name or the name of your wife or the name of Bettie Shook to be found on any of the Choctaw Tribal rolls in Indian Territory? A Don't know.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife or Bettie Shook to be enrolled as members of the Tribe? A No.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, for yourself, your wife or Bettie Shook, under the Act of Congress of June 10, 1896? A No.

Q Were you, your wife or Bettie Shook ever admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Willie Wilson et al---3

Q Have you ever made any application prior to this time to either the Choctaw Tribal authorities or the United States authorities for yourself, your wife or Bettie Shook, to be enrolled or admitted as citizens of the Choctaw Nation? A Yes, two years ago at Philadelphia.

The records of the Commission show that on January 30, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his wife Janie as Mississippi Choctaws, their names appearing on Mississippi Choctaw Card Field No.162, also upon page 55 of the schedule, being numbers 556 and 557 thereon.

Q Your two children, John and Donald, have been born since you appeared two years ago before the Commission? A Yes.

Q When was Donald born? A April 10, 1901.

Q When was John born? A August 25, 1899.

The records of the Commission also show that on January 30, 1899, Shook Himmonnubbee, the father of Bettie Shook, appeared before the Commission at Philadelphia, Mississippi and made application for the identification of Bettie ~~Mix~~ Himmonnubbee as a Mississippi Choctaw, her name appearing on Mississippi Choctaw card, Field No.158, also upon page 55 of the schedule, being number 546 thereon.

Q Is this application made for you and your wife two years ago and the application made for Bettie two years ago, the only applications of any kind that have ever been made for you? A Yes.

Q Do you now desire to make application for the identification of yourself, your wife, your two minor children, and your minor niece Bettie Shook, as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treat of Dancing Rabbit Creek? A Yes.

Q You claim Bettie is a full blood Choctaw, do you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Don't know.

Q Did your wife ever receive any benefits as a Choctaw Indian? A Don't know.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Don't know.

Q Did Bettie Shook or any of her ancestors ever receive any benefits as Choctaw Indians? A Don't know.

Q Were any of your ancestors or any of your wife's ancestors or any of the ancestors of Bettie Shook living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Don't know.

Q Were any of your ancestors or any of your wife's ancestors or any of the ancestors of Bettie Shook recognized members of the Choctaw Tribe of Indians here in the old Choctaw Nation in Mississippi or Alabama at the time that treaty was made? A My grandmother, her name Me-ah-shin-te-nah.

Q Were any of them recognized members of the Choctaw Tribe of ~~Indian~~ Indians at that time? A Don't know.

Willie Wilson et al---4

Q You say your grandmother's name was Me-ah-shin-to-nah? A Yes.

Q Your grandmother on your mother's side or your father's side?

A My mother's mother.

Q You don't know whether she was a recognized member of the Choctaw Tribe of Indians here in 1830, do you? A Don't know.

Q You have no evidence that any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Bettie Shook were recognized members of the Choctaw Tribe of Indians here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, have you? A No.

Q Did any of your ancestors, or any of your wife's ancestors or any of the ancestors of Bettie Shook remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors or any of the ancestors of your wife or Bettie Shook within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the United States?

A Don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Did any of your wife's ancestors or the ancestors of Bettie Shook ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any documentary evidence, written testimony of any description, affidavits, copies of records, deeds or patents, or any other papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder?

A No.

This applicant has every appearance and characteristic of a full blood Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw Interpreter.

The decision of the Commission as to your application and the application you make on behalf of your wife, two children and one niece, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenogra-

Willie Wilson et al--vs--

phor to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Frank Wilson

Subscribed and sworn to before me this the 17th day of July, 1901,
at Meridian, Mississippi:

Notary Public
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MERIDIAN, MISSISSIPPI, July 9, 1901.

-----0-----
To be filed in the matter of the application of Willie Wilson
for the identification of his minor niece Bettie Shook as a Miss-
issippi Choctaw, Mississippi Choctaw Card, Field No. R-2791.
-----0-----

In the matter of the application of Shook Himonubbe for the
identification of himself and two minor children as Mississippi
Choctaws.

Shook Himonubbe, having been first duly sworn, upon his oath
testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Shook Himonubbe.
Q What is your age? A Fifty.
Q What is your post office address? A Battlefield, Mississippi.
Q What is your father's name? A Himonubbe.
Q Is he living or dead? A Dead.
Q Was he a full blood Choctaw Indian? A Yes.
Q Is your mother living or dead? A Dead.
Q What was her name? A Hochemah.
Q Was she a full blood Choctaw Indian? A Yes.
Q Do you claim to be a full blood Choctaw Indian? A Yes.
Q You claim your Choctaw blood through both your father and mother?
A Yes.
Q Have your parents through whom you claim your right to be identi-
fied as a Mississippi Choctaw ever been recognized in any way or en-
rolled as members of the Choctaw tribe of Indians by the Choctaw tri-
bal authorities or by the United States authorities out in Indian
Territory? A No.
Q Are you married? A Wife dead.
Q What was her name? A Maggie Jane.
Q Was she a full blood Choctaw? A Yes.
Q Have you children you want to make application for, under twenty
one years of age and unmarried? A Yes.
Q What is the name of the oldest? A Bobbie, nineteen.
Q What is the name of the next? A Laben.
Q How old? A About twelve.
Q Is Bobbie a girl or boy? A Girl.
Q Is Laben a boy or girl? A Boy.
Q Have you any other children? A One more, Betsie.
Q How old is Betsie? A Ten.
Q Is she living with her or with her uncle, Willie Wilson? A With
Willie Wilson.
Q Is he her uncle? A Yes sir.
Q How long has she been living with Willie Wilson? A About ten
years.
Q Been living with him all her life? A Yes.

The records of the Commission show that Willie Wilson appeared
before the Commission at Meridian, Mississippi, June 29, 1901/
and made application at that time for the identification of his
minor niece, Bettie Shook, the daughter of this applicant, her
name appearing upon Mississippi Choctaw Card, Field No. R-2791.

- Q Is Maggie Jane the mother of these children? A Yes sir.
Q And you are the father? A Yes sir.
Q How were you married to Maggie Jane--were you married by a
minister? A No, Choctaw custom.
Q Is your name or your children's name on the tribal rolls of the
Choctaw Nation in Indian Territory? A No.

Shook Himombbe---2.

Q Have you ever made application for yourself or children to the Choctaw tribal authorities to be made members of the Choctaw tribe of Indians? A No.

Q Did you or any one for you or for your children in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Dawes Commission? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever before this made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the United States authorities? A Yes.

Q Where? A At Philadelphia, two years ago.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 30, 1899, and made application for the identification of himself and three minor children as Mississippi Choctaws, their names appearing as Shook, Bobbie, Laben and Betsie Himmo-haubbee on Mississippi Choctaw Card Field No. 158, also upon page 55 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 543 to 546 thereon.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes.

Q Do you claim this right for yourself and them as beneficiaries under article fourteen of the treaty of 1830? A Yes.

Q Do you understand about that treaty of 1830? A Yes.

Q As you understand that treaty, I will article fourteen will not be read to you, but you will be told in a few plain words about article fourteen of the treaty of 1830, and then asked if you had ancestors who complied with that article. In 1830, seventy years ago, the government wanted to get all of the Choctaw Indians to go out to the Indian Territory, so they made a treaty with the Choctaw Indians that was signed by the Choctaw Indians, by their representatives, and by the United States government. After that treaty was made a good many Indians went to the Indian Territory, but a good many Indians did not want to go and didn't go, so before the Choctaw people signed that treaty the government was asked to put something in that would protect the rights of the Choctaws who stayed here--the Mississippi Choctaws. So they put into that treaty, article fourteen. Article fourteen provided that all Indians who wanted to stay here might do so without losing their rights as Choctaw Indians in the Indian Territory, if they did certain things, and those things were? That they were to go to the Indian agent, whose name was Colonel Ward, who lived in Mississippi at that time--in 1830, they must go to him within six months after the ratification of that treaty and tell him they wanted to stay in Mississippi and did not want to go to the territory,--that they wanted to stay here and have land given to them by the government; that they wanted to live on that land and own it by and by, and wanted to become citizens of the United States, and not be Choctaw citizens any more. Those

Shook Himehubbe---3.

Choctaw Indians who stayed here, and did these things, would have rights with their descendants in the Choctaw Nation, Indian Territory if they afterwards desired to remove there, and there were some Indians at that time who went to Colonel Ward and told him they wanted land and they had land given to them and they lived on it five years and at the end of five years were given a patent to the land--do you understand that all right? A Yes.

Q Did any of your ancestors, your kin folks, your father or mother, or grandfather or grandmother, go to Colonel Ward, and tell him they wanted and got the land and afterwards got a patent from the United States government for that land? A One of my ancestors stayed here and got land in Mississippi.

Q What was his name? A He-ah-shan-tah.

Q What relation was he to you? A Grandfather.

Q Your mother's father or father's father? A Mother's father.

Q What was your mother name? A Hochamah.

Q Was she living in 1830? A Yes.

Q Did she get land from the government too? A Yes.

Q How much did your grandfather get? A Mile square.

Q Did your mother's sister get any land? A Yes.

Q What was her name? A Tonubbe.

Q Was she older than your mother? A Yes.

Q Was Hootubbee a brother or sister of your mother? A Brother.

Q Do you know the name of your mother's other brother? A Pasachubbe.

Q Did all of these children of He-ah-shan-tah including your mother, that is Tonubbe, Hochamah, Hootubbee and Pasachubbe, all get land from the government? A Yes.

Q Did you ever see that patent that was issued by the United States government to your grandfather He-ah-shan-tah under the provisions of article fourteen of the treaty of 1830? A Yes.

Q Who has it now? A Jim Welch.

Q He is dead now? A Yes.

Q Who has it now? A Joe Welch.

Q Who is he? A Son to Jim.

Q Did you ever see that patent yourself? A Yes.

Q How did it look? A Yellow.

Q Was it paper--if it was not paper what was it? A Sheepskin.

Q Did they tell you what words were on it. A No.

Q Did you know what it was for--was it for land? A That was patent for land.

Q What was a patent for land--who gave that land to your grandfather? A McDonald.

Q Who was McDonald, an agent of the United States government? A Yes.

Q Do you understand that that patent for land was a patent for land that came from the government of the United States to your grandfather? A Yes.

Q Do you know how much land your mother got from the government?

A About eighty acres.

Q It was a quarter section was it not? A Yes.

Q It was one hundred and sixty acres, a quarter of a section was it not? A Yes, one hundred and sixty acres.

The records in the possession of the Commission show that He-ah-shan-tah, grandfather of this applicant, received land from the United States government in Mississippi under article fourteen of the treaty of 1830, as is evidenced by the report, Abstract No. 1, by Commissioners Tyler, Gaines & Rush, contained on page 547 of Volume one of the record in the Court of Claims in the case of the Choctaw Nation of Indians vs. the

Shock Hizenabbe---(4)

United States, No. 12742. Said record on said page 547 shows further that Me-ah-shan-tah's daughter, Tonubbe, over ten years of age, also received from the United States government one half section of land; that this applicant's mother, Hochamah, and this applicant's two uncles, Hootu bhee and Pasachubbee also received a quarter section of land each. That the Commissioners found that this applicant's grandfather, Me-ah-shan-tah, attempted to signify his intention of remaining five years, and the side notes show that continued residence was proven, and "Commissioners allow the claim and award land, it not having been disposed of by government."

Q Did any of your ancestors go from these states of Mississippi and Alabama to the Indian Territory when the Choctaw Indians went there between 1833 and 1838? A No.

Q Is there anything more you want to say? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

Q Do you know anything about the patent or deed that your mother was entitled to receive from the United States government for land which she received? A No.

Q She didn't get that deed? A No.

Q Do you know why she did not get it? A No.

By the Commission:

You are advised that if you can do so, you should get the original patent from Joe Welch, Philadelphia, Mississippi, of the land that was granted to your grandfather Me-ah-shan-tah under the provisions of the fourteenth article of the treaty of 1830, and bring or send it to the Commission, and have it filed with the records in your case. If it is impossible for you to get the original patent you are advised if you can do so to get a certified copy of it and have it filed with the record in your case. Thirty days time from the date hereof is allowed you to file any documentary evidence which you care to file in support of this application and also to introduce such other evidence as you may desire to introduce in support of this claim.

This applicant has the appearance and all characteristics of a full blood Choctaw Indian. He does not speak the English language. He claims a compliance on the part of his ancestors with article fourteen of the treaty of 1830, as evidenced from the fact that the records in the possession of the Commission disclose that her grandfather, Me-ah-shan-tah, received land from the United States government under article fourteen of the treaty of 1830; that Me-ah-shan-tah's children, Tonubbe, Hochamah, Hootubbee and Pasachubbee also received land from the United States government as beneficiaries under article fourteen of that treaty and that Me-ah-shan-tah, who received the NE 1/4, Sec. 2, Twp. 8, R. 13 East, was her mother.

Shook Himonubbe-----5.

Mary Hochemah, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Mary Hochemah.
Q What is your post office address? A Battlefield, Mississippi.
Q Are you a full blood Choctaw Indian? A Yes.
Q Are you a sister of Shook Himonubbe and Davis Himonubbe? A Yes.
Q Is your grandfather Me-ah-shan-tah also the grandfather of Shook Himonubbe and Davis Himonubbe? A Yes.
Q Did Me-ah-shan-tah receive land from the United States government as a beneficiary under article fourteen of the treaty of 1830? A Yes.
Q Did you ever see the patent to that land? A Yes.
Q Where is it now? A Jim Welch had it--he is dead.
Q Who has it now? A Joe Welch.
Q Where does Joe Welch live? A Philadelphia.
Q Did your mother tell you what that patent was? A Yes.
Q Did she tell you it was for land which the United States government gave to her father? A Yes.
Q How much land did your grandfather receive from the government? A A mile square.
Q In what county? A Neshoba county.

(Witness Excused)

Davis Himonubbe, having been first duly sworn, upon his oath testifies as follows, in regard to the application of Shook Himonubbe:

Examination by the Commission:

- Q What is your name? A Davis Himonubbe.
Q How old are you? A Fifty two.
Q What is your post office address? A Battlefield, Mississippi.
Q Are you a full blood Choctaw Indian? A Yes.
Q Are you related to Shook Himonubbe? A Yes brother.
Q And Mary Hochemah? A That is my sister.
Q What was your grandfather's name on your mother's side? A Me-ah-shan-tah.
Q He was Shook Himonubbe's grandfather? A Yes.
Q Did he ever receive a patent from the United States government for land granted to him under article fourteen of the treaty of 1830? A Yes.
Q What was that patent? A It was sheepskin.
Q You have seen that patent have you? A Yes.
Q Did you know it was a patent for land coming from the government? A Yes.
Q Was it white or black or how did it look? A Most yellow.
Q Where is it now? A Jim Welch, his son, Joe Welch got it now at Philadelphia.
Q How much land did your grandfather get from the government under that patent. A Mile square.
Q In what county is that land? A Neshoba county.

(Witness Excused).

Shock Himehubbet-----6.

The applicant, Shock Himehubbet, Re-called:

The decision of the Commission as to your application for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of July, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

(600)
In the matter of the application of Willie Wilson, et al., for identification as Mississippi Choctaws, M.C.R. 2791

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on June 29, 1901, by Willie Wilson for himself, his wife, Janie, his two minor children, John and Donald Wilson, and his minor niece, Bettie Shook, under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full blood Mississippi Choctaw Indians.


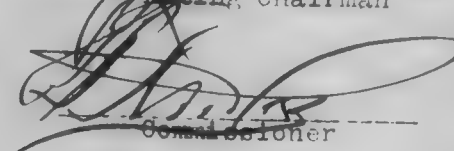

Section forty-one of the Act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willie Wilson, Janie Wilson, John Wilson, Donald Wilson and Bettie Shook should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

APR 27 1903

13

COPY.

M.C.R. 2791.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Willie Wilson, his wife, Janie Wilson, his two minor children, John Wilson and Donald Wilson and minor niece Bettie Shook, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Willie Wilson, his wife, children and niece as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tams Dixby.
Chairman.

Registered.
Enc.: 2791.

H. C. R. 2791

COPY.

Muskogee, Indian Territory, May 6, 1903.

Willie Wilson,

Ennis Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying Willie Wilson, his wife, Janie Wilson, his two minor children, John Wilson and Donald Wilson and minor niece Bettie Shook, as Mississippi Choctaw Indians, under the provisions of the forty-first Section of the Act of Congress approved July 1, 1902, (32 Stat. 841).

If you remove to the Choctaw-Chickasaw country Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Register.

Enc 2791

Tame Dixby
Chairman.

M C R 2791

Muskogee, Indian Territory, July 3, 1903.

W. C. Hale,
Rio, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 19, 1903, in which you ask if Willie Wilson's identification papers have been sent out.

In reply you are informed that on April 27, 1903, the Commission rendered its decision identifying Willie Wilson, his wife Janie Wilson, his two minor children John Wilson and Donald Wilson, and minor niece Bettie Shook, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action Willie Wilson was notified by registered mail at Ennis, Mississippi.

Respectfully,

Commissioner in Charge.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN THE
Identification
Application for Enrollment of

INFANT CHILD

John Wilson.
as a citizen of
Choctaw

Nation

Approved, 190...
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 17 1901

ACTING CHAIRMAN.

John Wilson
vs
Choctaw Nation
M.C. File No. 162 6/29/01

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Acting Chairman.

MISSISSIPPI CHOCTAW.

162

2791

m. C. 162

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Identification, as a citizen of the Choctaw Indian Nation,
of John Wilson, born on the 25 day of Aug., 1899.
(Here insert name of child)
Name of Father: Willie Wilson, a citizen of the Choctaw Indian Nation.
Name of Mother: Janie Wilson, a citizen of the Choctaw Indian Nation.
Post-office, Ennis, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

State of Mississippi District. }

I, Janie Wilson, on oath state that I am 26
years of age and a citizen by Full Blood, of the Choctaw Indian Nation;
that I am the lawful wife of Willie Wilson, who is a citizen
of the Choctaw Indian Nation, that a male child was
(male or female)
born to me on the 25th day of Aug., 1899; that said child has been
named John Wilson, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. C. Hale
C. B. Finley

Janie Wilson
her
mark

Subscribed and sworn to before me this 15th day of July, 1901.

O. G. Brown

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

State of Mississippi District. }

I, Mandy Tubbee, a Midwife, on oath state that I
attended on Mrs. Janie Wilson, wife of Willie Wilson,
on the 25th day of Aug., 1899; that there was born to her on
said date a male child; that said child is now living and is said to have been
named John Wilson.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. C. Hale
S. Willis

Mandy Tubbee
her
mark

Subscribed and sworn to before me this 15th day of July, 1901.

O. G. Brown, Jr.
NOTARY PUBLIC

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identification
Application for Enrollment of
INFANT CHILD

Donald Wilson

as a citizen of

Choctaw

Nation.

Approved _____ 190
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 17 1901

ACTING CHAIRMAN.

Donald Wilson

VS

Choctaw Nation

6/29/01

The application herewith is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and also be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

Acting Chairman.

m. c. 162

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for Enrollment, as a citizen of the *Choctaw Indian* Nation,
of *Donald Wilson*, born on the *10th* day of *April*, 1901,
(Here insert name of child)
Name of Father: *Willie Wilson*, a citizen of the *Choctaw Indian* Nation.
Name of Mother: *Janie Wilson*, a citizen of the *Choctaw Indian* Nation.
Post-office, *Ennis miss*.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Janie Wilson

I, *Janie Wilson*, on oath state that I am *26*
years of age and a citizen, by *Full Blood*, of the *Choctaw Indian* Nation;
that I am the lawful wife of *Willie Wilson*, who is a *Full Blood* of the *Choctaw Indian* Nation, that a *male* child was
(male or female)
born to me on the *10th* day of *April*, 1901; that said child has been
named *Donald Wilson*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. C. Hale
D. Miller

Janie Wilson
her mark

Subscribed and sworn to before me this *15th* day of *July*, 1901.

O. G. Brown, J. P.
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi
County of Mandy Tubbee

I, *Mandy Tubbee*, a *Midwife*, on oath state that I
attended on Mrs. *Janie Wilson*, wife of *Willie Wilson*,
on the *10th* day of *April*, 1901; that there was born to her on
said date a *male* child; that said child is now living and is said to have been
(male or female)
named *Donald Wilson*.

WITNESSES TO MARK:

(Must be Two
Witnesses)

W. C. Hale
D. Miller

Mandy Tubbee
her mark

Subscribed and sworn to before me this *15th* day of *July*, 1901.

O. G. Brown, J. P.
NOTARY PUBLIC

#1038

No.

1

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name Willie Wilson

Age 30 Blood full

Post Office, Ennis, Miss.

Father: Willis d

Ah-tubbee

Mother: Ah-tubbee d

Claims through both parents.

wife Janie Wilson (full) 26

father John Willis L

mother don't know d

(wife claims through both parents)

(see Miss. Choctaw card filed No 162 as to Wilson family)

Children:

John Wilson 2 yr.

Donald " 3 mo.

Pettie Shook (full) 10

Father Shook Ahmonubbee L

mother Margaret " d

(as to Pettie Shook see Miss. Choctaw card

filed No 158 where her name appears as Pettie Ahmonubbee.

She has never lived with her father

but has always ~~lived~~ lived with

Stenographer (Willie Wilson.)

J. A. Miles (over)

Claims for self, wife, two
minor children and one
minor niece

71

Willie Thelma, et al

IDENTIFIED

R. 2791

DECISION RENDERED APR 27 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR OCTAW AND
CHICKASAW NAT. 1903
APR 27 1903

COPY OF DECISION FORWARDED APPLICANT MAY 1903

20/2/03. P.O. 1

CHOCTAW MCR 2792

SALLIE PHILIP

MCR 2792

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of
the application of Sallie Philip for identification as a
Mississippi Choctaw,
M.C.R. 2792

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sallie Philip
for identification as a Mississippi Choctaw, M.C.R. 2792.

I N D E X

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Original application of Sallie Philip to the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission identifying Sallie Philip as a Mississippi Choctaw	6

217

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Sallie Philip for identification as a Mississippi Choctaw.

Sallie Philip, having been first duly sworn, upon her oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Sallie Philip.
Q What is your age? A Forty seven.
Q What is your post office address? A Emdis, Mississippi.
Q Where have you lived all your life? A In Mississippi.
Q In what counties? A Neshoba and Kemper.
Q How long have you lived in Kemper county? A Five years.
Q And before that time you lived all your life in Neshoba County?
A Yes sir.
✓ Q What is your father's name? A Jackson.
✓ Q Was he a full blood Indian? A Yes, full blood Choctaw.
Q Is he living or dead? A Dead.
✓ Q Is your mother living or dead? A Dead.
Q What was her name? A Bally Jackson.
✓ Q Was she a full blood Choctaw Indian? A Yes.
✓ Q Are you a full blood Choctaw Indian? A Yes.
✓ Q Do you claim your Choctaw blood through both your father and mother? A Yes.
Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Are you married? A No, husband dead.
Q What was your husband's name? A Sam Philip.
Q Was he a full blood Choctaw Indian? A Yes.
Q Have you any children under twenty one years of age and unmarried that you want to make application for now? A Only one.
Q What child is that? A Tom.
Q How old is Tom? A Nineteen years old.
Q Two years ago you had two children, Simon, a son, and Lillie, a daughter,--did you have a child named Tom then? A I didn't go to Philadelphia; my children went---Simon went.
Q Did Simon give Tom's name? A No.
Q Did Tom go by any other name A He applied for himself at Philadelphia.

The records of the Commission show that Tom Philip, the son of this applicant, appeared before the Commission at Meridian, Mississippi, June 25, 1901, and made application for identification as a Mississippi Choctaw.

- Q Have you any other children besides Tom that are under twenty one years of age and unmarried? A No.
✓ Q You just make application for yourself? A Yes sir.

Sallie Philip---2.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No.

Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.

Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Yes, made application five years ago.

The records of the Commission show that application was made before the Commission to the Five Civilized Tribes, at Philadelphia, Mississippi, February 2, 1899, for the identification of this applicant and her children, Simon and Willie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 304; also upon page 75 of the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes of March 10, 1899, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1066, 1067 and 1068, respectively thereon.

Q Simon has appeared before the Commission and made application for himself? A Yes.

Q And Lillie is now married? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under article fourteen of the treaty of 1830? A Yes.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A Don't know.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation and the United States government? A Father's father got land here in Mississippi.

Q What was his name? A Ah-to-ble-cha.

Q Did your father have any brothers and sisters? A Yes.

Q Give me the names of one of his brothers or sisters? A He-ta-mah

Q Was that a brother or sister of your father? A Sister of my father.

Q Give me the name of another brother or sister of your father?

A Fal-lah-mo-tubbe.

Q Was that a brother or sister of your father? A Brother.

Q What was your father's Choctaw name? A Don't know.

Sallie Philip----3.

- Q Do you know any other brothers or sisters of your father?
A Pis-ah-ha-mah.
Q What relation was Pis-ah-ha-mah to your father? A Sister.
Q Do you remember any other brothers or sisters? A No.
Q Do you remember the name Ceen-ee-tah-temah? A Yes.
Q Who was that? A Father's sister.
Q Were all of your father's brothers and sisters older than him?
A Yes, father was younger.
Q Did your grandfather, Ah-to-ble-cha ever have any land in Mississippi which he received from the government of the United States under article fourteen of the treaty of 1830? A Yes.
Q Is that land still in the possession of some member of that family?
A Yes.
Q Who lives on it now? A Fille-ma-temah.
Q Is that a man or a woman? A Woman.
Q Whose daughter is she? A Fal-lah-mo-tubbee.
Q Did you ever see the deed or patent to this land? A Yes.
Q Where is it? A In Neshoba.
Q Who has it? A White man.
Q Do you know his name? A Henry Mars.
Q What place in Neshoba does he live? A About eight miles this side of Philadelphia.
Q How does Henry Mars happen to have the deed of land that the government gave to Ah-to-ble-cha? A Don't know.

The Commission would like to have you get the patent and send it to the Commission, so that it may be filed with your application and made part of the record. It is the best evidence in your case and therefore important to your application, and the Commission would advise you to file it. When the case is settled, the deed will be returned to you by the Commission.

- Q Do you know how much land was given to your grandfather, Ah-to-ble-cha by the government under article fourteen of the treaty of Dancing Rabbit Creek? A One mile square.

On page 552 of Volume one of the record in the Case of the Choctaw Nation of Indians vs. The United States, Court of Claims No. 12742, Case No. 381 is that of Ah-to-ble-cha; said record shows that Ah-to-ble-cha had at that time one minor child over ten years of age, named H-to-mah, and three minor children under ten years of age named Ceen-ee-tah-temah, Fal-lah-mo-tubbee and Pis-ah-ha-mah. That land was awarded by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress of August 25, 1842, as follows:

Ah-to-ble-cha-----	Sec. 20,	Twp. 10,	Range 13 E.
H-to-mah-----	N 1/2---	19	" 10, " 13 E.
Ceen-ee-tah-temah--	NW 1/4----	21	" 10, " 13 E.
Fal-lah-mo-tubbee--	SW 1/4----	21	" 10, " 13 E.
Pis-ah-ha-mah-----	NW 1/4----	28	" 10, " 13 E.

Under the head of remarks in this case, appears the following notation: "Comrs. allow the claim, and as the land occupied by claimant has not been disposed of by gov't they award it to him"

- Q Give the names of all your children who are now living? A Simen.

Sallie Philip-----4.

Q Is your son Simon the same Simon Philip who made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw at Philadelphia, Mississippi, February 2, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 304? A Yes.

Q And did Simon make application again for identification as a Mississippi Choctaw before the Commission at Meridian, Mississippi, June 15, 1901? A Yes.

Q Give me the name of your daughter? A Lillie, now the wife of William O. Tookelo.

Q Is this daughter, Lillie, who is now the wife of William O. Tookelo, the identical Lillie Philip for whom application was made for identification as a Mississippi Choctaw at Philadelphia, Mississippi, February 2, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 304? A Yes.

Q And did William O. Tookelo, now the husband of Lillie, make application for her identification as a Mississippi Choctaw at Meridian, Mississippi, June 15, 1901? A Yes.

Q Give me the name of any other of your children? A Tom.

Q Is your son Tom the same Tom Philip who made application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, on January 30, 1899, for identification as a Mississippi Choctaw, and whose name appears upon Mississippi Choctaw Card, Field No. 153? A Yes.

Q Did Tom Philip make application for identification as a Mississippi Choctaw before the Commission at Meridian, Mississippi, June 25 1901? A Yes.

Q Is Winston Philip your son? A Yes.

Q Is he the same Winston Philip who made application for identification as a Mississippi Choctaw before the Commission at Philadelphia Mississippi, January 31, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 259 A Yes sir.

Q And he is the same Winston Philip who is here now to make application on this date before the Commission? A Yes.

Q Have you any other children besides those you have given? A A Winnie Martin.

Q Is she the wife of Sam B. Martin? A Yes.

Q Is this daughter of yours, Winnie Martin, the same Winnie Martin for whom application was made for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 31, 1899, by Sam B. Martin, her husband, and whose name appears on Mississippi Choctaw Card, Field No 258? A Yes.

Q Did Sam B. Martin also appear at Meridian, Mississippi, May 4, 1901 and make application for himself and his wife, Winnie, your daughter? A Yes.

Q Was Ah-to-ble-cha, who was a beneficiary under article four teen of the treaty of 1830, and who received land from the United States Government as such beneficiary, the great grandfather of Winston Philip, Tom Philip, Lillie Tookelo, Simon Philip and Winnie Martin, about whom you have just testified? A Yes.

Q Are there any additional statements you want to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that

Sallie Philip-----5.

they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

Q Will you endeavor to introduce in evidence in your case the patent that was issued by the United States government to your grandfather Ah-to-ble-cha under article fourteen of the treaty of 1830?
A Yes.

Thirty days time from the date hereof is allowed applicant in which to introduce documentary evidence in support of this application, and particularly the original patent issued by the United States government to her grandfather, Ah-to-ble-cha.

This applicant has the appearance and all characteristics of a full blood Choctaw Indian. She speaks the Choctaw language and has no knowledge of the English language, her evidence having been taken through a sworn Choctaw interpreter. She is a grand daughter of Ah-to-ble-cha, who was her father's father, her father's English name being Jackson; she does not know her father's Indian name, but she claims a compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 because of the fact that a patent was issued to her grandfather, Ah-to-ble-cha, to land in Neshoba County, and that land was also granted to her father's brothers and sisters to-wit: Ha-ta-mah, Coon-son-ta-temah, Val-lah-mo-tubbe and Pis-ah-ha-mah.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 29th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of July, 1901.

[Signature]
Notary Public.

CW

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sallie Philip for
identification as a Mississippi Choctaw, M.C.R. 2792.

-----D E C I S I O N -----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on June 29, 1901, by Sallie Philip for herself, under the following
provision of the Act of Congress approved June 28, 1898 (30 Stats.
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant is a full blood Mississippi Choctaw
Indians.

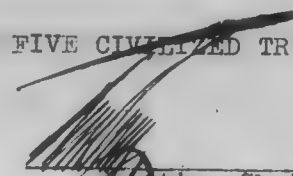

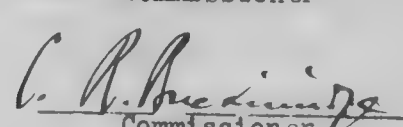
Section forty-one of the Act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw

"tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sallie Philip should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

APR 27 1903

COPY.

M.C.R. 2792.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Sallie Philip as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sallie Philip as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.
Enclosure 2792.

COPY.

M.C.R. 2792.

Muskogee, Indian Territory, April 27, 1903.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Sallie Philip as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sallie Philip as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

Tame Dixie.
Chairman.

Registered.
Enclosure 2792.

COPY,

M.C.R. 2792

Muskogee, Indian Territory, May 6, 1903.

Sallie Philip, Remailed June 30 to Ardmore J.T.
Eunice, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED.

Jame Dixby.

Chairman.

Registered.

M.C.R. 2792.

Salli. Philis

IDENTIFIED

K 9 11

DECISION RENDERED

COPY TO
ATTORNEY
CHICKASAW NA

MAY 27 1911

BY OF DECISION MAY 3

#1039

No. 2122

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name *Sallie Philip*

Age *47* Blood *full*

Post Office, *Emmis, Miss.*

Father: *Jackson, f. b. d*

Mother: *Polly Jackson, f. b. d*

Claims through *both parents.*

Husband

Sam Philip d

~~*Chas - In Philip,*~~

~~*Children:*~~

*See M. C. Card, field
No. 304*

*Claims for self
alone.*

~~*Robert and one*~~

~~*Sam and one*~~

Stenographer *H. C. Risteen*

CHOCTAW MCR 2793

WINSTON PHILIP

MCR 2793

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of
the application of Winston Philip for identification as a
Mississippi Choctaw,
M.C.R. 2793

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Winston Philip for
identification as a Mississippi Choctaw, M.C.R. 2793.

I N D E X

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Testimony of Sallie Philip taken at Meridian, Mississippi, June 29, 1901,	4
Decision of the Commission identifying Winston Philip as a Mississippi Choctaw	9

2793

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Winston Philip for identification as a Mississippi Choctaw.

Winston Philip, having been first duly sworn, upon his oath testifies as follows: through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Winston Philip.
Q What is your age? A Twenty five.
Q What is your post office address? A Moscow, Kemper County, Mississippi.
Q How long have you lived in Kemper county? A Four years.
Q Where did you live before that? A Neshoba.
Q Always in Neshoba? A I was raised in Neshoba.
Q What is your father's name? A Sam Philip.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Sallie Philip.
Q Is she living or dead? A She is living.
Q Do you claim your Choctaw blood through both father and mother? A Yes.
Q Was your father a full blood? A Yes sir.
Q And your mother a full blood Indian? A Yes sir.
Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A No sir.
Q You have no family? A No sir.
Q You make this application just for yourself do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir/
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir?
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Yes, made application two years ago before Commission.

The records of the Commission show that Winston Philip appeared before the Commission at Philadelphia, Mississippi, January 31, 1899, and there made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card Field No. 259, also upon page 68 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the

Winston Philip--2.

provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 632 thereon.

- Q Do you now make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Yes, got land.
- Q Do you know the name of your ancestor who received land from the government under article fourteen of the treaty of 1830? A No.
- Q Did you ever hear your mother say what his name was? A No.
- Q Is your mother's name Sallie Philip? A Yes.
- Q Is she the same person whose father's name was Jackson? A Yes.
- Q Did you know Jackson? A No.
- Q Was Jackson's wife named Polly Jackson? A Yes sir.
- Q Did you ever have any kin folk by name of Ha-ta-mah? A Yes.
- Q What relation was Hatamah to you? A Don't know.
- Q Do you remember hearing that name in your family? A Don't know.
- Q Did you ever hear your mother speak of Ah-to-ble-cha? A Yes.
- Q Did you hear that he was an ancestor of yours? A Yes.

The records in the possession of the Commission show that this applicant is a son of Sallie Philip, who appeared before the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw at Meridian, Mississippi, the 29th day of June, 1901, and who testified during her application that she was the daughter of Jackson, a full blood Choctaw Indian, whose father was named Ah-to-ble-cha, a full blood Choctaw Indian and a beneficiary under article fourteen of the treaty of 1830.

- Q Do you claim your right to be identified as a Mississippi Choctaw because of the fact that your great grandfather, Ah-to-ble-cha received land from the United States government as a beneficiary under article fourteen of the treaty of 1830? A Yes.
- Q Did you ever see that patent that was issued to your great grandfather Ah-to-ble-cha giving to him land under article fourteen of the treaty of 1830? A No.
- Q Have you ever heard about it? A Yes.
- Q Did you hear your mother talk about it? A Yes.
- Q Do you know who has that patent now? A No.
- Q Are there any additional statements you want to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application.

- 3 This applicant has the appearance and all characteristics of a

Winston Philip--3.

full blood Choctaw Indian. He does not speak the English language, his examination having been conducted throughout by means of a sworn Choctaw interpreter. He claims a compliance on the part of his ancestors to-wit: his great grandfather, Ah-te-ble-cha, with the provisions of article fourteen of the treaty of 1830, because of the fact that said ancestors received a patent to land from the United States government under article fourteen of the treaty of 1830, as is shown by the testimony of his mother Sallie Philip, filed herewith.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H. F. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 29th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. F. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of July, 1901.

[Signature]

Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Sallie Philip for identification as a Mississippi Chectaw.

Sallie Philip, having been first duly sworn, upon her oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Sallie Philip.
Q What is your age? A Forty seven.
Q What is your post office address? A Menis, Mississippi.
Q Where have you lived all your life? A In Mississippi.
Q In what counties? A Neshoba and Kemper.
Q How long have you lived in Kemper county? A Five years.
Q And before that time you lived all your life in Neshoba County?
A Yes sir.
Q What is your father's name? A Jackson.
Q Was he a full blood Indian? A Yes, full blood Chectaw.
Q Is he living or dead? A Dead.
Q Is your mother living or dead? A Dead.
Q What was her name? A Polly Jackson.
Q Was she a full blood Chectaw Indian? A Yes.
Q Are you a full blood Chectaw Indian? A Yes.
Q Do you claim your Chectaw blood through both your father and mother? A Yes.
Q Have your parents through whom you claim your right to identification as a Mississippi Chectaw ever been recognized in any manner or enrolled as members of the Chectaw tribe of Indians by the Chectaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Are you married? A No, husband dead.
Q What was your husband's name? A Sam Philip.
Q Was he a full blood Chectaw Indian? A Yes.
Q Have you any children under twenty one years of age and unmarried that you want to make application for now? A Only one.
Q What child is that? A Tom.
Q How old is Tom? A Nineteen years old.
Q Two years ago you had two children, Simon, a son, and Lillie, a daughter,--did you have a child named Tom then? A I didn't go to Philadelphia; my children went--Simon went.
Q Did Simon give Tom's name? A No.
Q Did Tom go by any other name? A He applied for himself at Philadelphia.

The records of the Commission show that Tom Philip, the son of this applicant, appeared before the Commission at Meridian, Mississippi, June 28, 1901, and made application for identification as a Mississippi Chectaw.

- Q Have you any other children besides Tom that are under twenty one years of age and unmarried? A No.
Q You just make application for yourself? A Yes sir.

FROM ORIGINAL
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Sallie Philip----2.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No.

Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.

Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Yes, made application two years ago.

The records of the Commission show that application was made before the Commission to the Five Civilized Tribes, at Philadelphia, Mississippi, February 2, 1898, for the identification of this applicant and her children, Simon and Willie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 304; also upon page 78 of the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes of March 10, 1899, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1066, 1067 and 1068, respectively thereon.

Q Simon has appeared before the Commission and made application for himself? A Yes.

Q And Lillie is now married? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under article fourteen of the treaty of 1830? A Yes.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A Don't know.

Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation and the United States Government? A Father's father got land here in Mississippi.

Q What was his name? A Ah-to-ble-cha.

Q Did your father have any brothers and sisters? A Yes.

Q Give me the names of one of his brothers or sisters? A He-ta-mah.

Q Was that a brother or sister of your father? A Sister of my father.

Q Give me the name of another brother or sister of your father?

A Pal-lah-me-tubbe.

Q Was that a brother or sister of your father? A Brother.

Q What was your father's Choctaw name? A Don't know.

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Sallie Philip---3.

- Q Do you know any other brothers or sisters of your father?
A Pis-ah-ha-mah.
Q What relation was Pis-ah-ha-mah to your father? A Sister.
Q Do you remember any other brothers or sisters? A No.
Q Do you remember the name Geem-geem-tah-tamah? A Yes.
Q Who was that? A Father's sister.
Q Were all of your father's brothers and sisters older than him?
A Yes, father was younger.
Q Did your grandfather, Ah-to-blo-cha ever have any land in Mississippi which he received from the government of the United States under article fourteen of the treaty of 1830? A Yes.
Q Is that land still in the possession of some member of that family?
A Yes.
Q Who lives on it now? A Fille-ma-tamah.
Q Is that a man or a woman? A Woman.
Q Whose daughter is she? A Pal-lah-me-tubbe.
Q Did you ever see the deed or patent to this land? A Yes.
Q Where is it? A In Neshoba.
Q Who has it? A White man.
Q Do you know his name? A Henry Mars.
Q What place in Neshoba does he live? A About eight miles this side of Philadelphia.
Q How does Henry Mars happen to have the deed of land that the government gave to Ah-to-blo-cha? A Don't know.

The Commission would like to have you get the patent and send it to the Commission, so that it may be filed with your application and made part of the record. It is the best evidence in your case and therefore important to your application, and the Commission would advise you to file it. When the case is settled, the deed will be returned to you by the Commission.

- Q Do you know how much land was given to your grandfather, Ah-to-blo-cha by the government under article fourteen of the treaty of Dancing Rabbit Creek? A One mile square.

On page 552 of Volume one of the record in the case of the Cheateau Nation of Indians vs. The United States, Court of Claims No. 12742, Case No. 361 is that of Ah-to-blo-cha; said record shows that Ah-to-blo-cha had at that time one minor child over ten years of age, named H-to-mah, and three minor children under ten years of age named Geem-geem-tah-tamah, Pal-lah-me-tubbe and Pis-ah-ha-mah. That land was awarded by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress of August 23, 1842, as follows:

Ah-to-blo-cha-----	Sec. 20, Twp. 10, Range 13 N.
H-to-mah-----	1/2 " 19 " 10, " 13 N.
Geem-geem-tah-tamah--NW 1/4----	" 21 " 10, " 13 N.
Pal-lah-me-tubbe---SW 1/4----	" 21 " 10, " 13 N.
Pis-ah-ha-mah-----NW 1/4----	" 22 " 10, " 13 N.

Under the head of remarks in this case, appears the following notation: "Comrs. allow the claim, and as the land occupied by claimant has not been disposed of by gov't they award it to him"

- Q Give the names of all your children who are now living? A Simon.

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Gallie Philip-----4.

Q Is your son Simon the same Simon Philip who made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw at Philadelphia, Mississippi, February 2, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 304? A Yes.

Q And did Simon make application again for identification as a Mississippi Choctaw before the Commission at Meridian, Mississippi, June 15, 1901? A Yes.

Q Give me the name of your daughter? A Lillie, now the wife of William O. Toekole.

Q Is this daughter, Lillie, who is now the wife of William O. Toekole, the identical Lillie Philip for whom application was made for identification as a Mississippi Choctaw at Philadelphia, Mississippi, February 2, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 304? A Yes.

Q And did William O. Toekole, now the husband of Lillie, make application for her identification as a Mississippi Choctaw at Meridian, Mississippi, June 15, 1901? A Yes.

Q Give me the name of any other of your children? A Tom.

Q Is your son Tom the same Tom Philip who made application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, on January 30, 1899, for identification as a Mississippi Choctaw, and whose name appears upon Mississippi Choctaw Card, Field No. 183? A Yes.

Q Did Tom Philip make application for identification as a Mississippi Choctaw before the Commission at Meridian, Mississippi, June 25, 1901? A Yes.

Q Is Winston Philip your son? A Yes.

Q Is he the same Winston Philip who made application for identification as a Mississippi Choctaw before the Commission at Philadelphia, Mississippi, January 31, 1899, and whose name appears upon Mississippi Choctaw Card, Field No. 389? A Yes sir.

Q And he is the same Winston Philip who is here now to make application on this date before the Commission? A Yes.

Q Have you any other children besides those you have given? A No Winnie Martin.

Q Is she the wife of Sam B. Martin? A Yes.

Q Is this daughter of yours, Winnie Martin, the same Winnie Martin for whom application was made for identification as a Mississippi Choctaw at Philadelphia, Mississippi, January 31, 1899, by Sam B. Martin, her husband, and whose name appears on Mississippi Choctaw Card, Field No. 329? A Yes.

Q Did Sam B. Martin also appear at Meridian, Mississippi, May 4, 1901 and make application for himself and his wife, Winnie, your daughter? A Yes.

Q Was Ah-to-ble-cha, who was a beneficiary under article fourteen of the treaty of 1830, and who received land from the United States Government as such beneficiary, the great grandfather of Winston Philip, Tom Philip, Lillie Toekole, Simon Philip and Winnie Martin, about whom you have just testified? A Yes.

Q Are there any additional statements you want to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that

POOR ORIGINAL
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Hallie Philip-----S.

they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

Q Will you endeavor to introduce in evidence in your case the patent that was issued by the United States government to your grand father Ah-to-blo-cha under article fourteen of the treaty of 1830? A Yes.

Thirty days time from the date hereof is allowed applicant in which to introduce documentary evidence in support of this application, and particularly the original patent issued by the United States government to her grandfather, Ah-to-blo-cha.

This applicant has the appearance and all characteristics of a full blood Choctaw Indian. She speaks the Choctaw language and has no knowledge of the English language, her evidence having been taken through a sworn Choctaw interpreter. She is a grand daughter of Ah-to-blo-cha, who was her father's father, her father's English name being Jackson; she does not know her father's Indian name, but she claims a compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 because of the fact that a patent was issued to her grandfather, Ah-to-blo-cha, to land in Washoba County, and that land was also granted to her father's brothers and sisters to-wit: Ha-to-wah, Gum-sen-ta-tamah, Pal-lah-mo-tubbe and Pis-ah-ha-mah.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

N.C. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 29th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

A. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of July, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Winston Philip for identification as a Mississippi Choctaw, M.C.R. 2793.

----- D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on June 29, 1901, by Winston Philip for himself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Winston Philip should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory
FEB 14 1903

COPY

M.C.R. 2793

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Winston Philip as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats. 641.)

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Winston Philip as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

James E. Doby

Acting Chairman

Registered
Enclosure M.C.R. 2793

COPY:

M.C.R. 2793

Muskogee, Indian Territory, March 11, 1903.

Winston Philip,
Moscow, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Jame Dixby.

Registered

(SIGNED)

Chairman.

Enclosure 2793

#1040

No 2111

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name Winston Philip

Age 25- Blood full

Post Office, Moscow, Miss.

Father: Sam Philip ^{T.L.} d

Mother: Sallie Philip - T.L. d

Claims through both parents

Claims for self alone

See M.C. Card filed
No. 259.

Children:

Stenographer H.C. Ristum

Winston Philip

W. L. TITEL

K 2 1903

DECISION BY N. A. W. 11

FEB 11 1903

TO
CHIEF

FEB 11 1903

~~COPY OF DECISION FORWARDED~~

APPLICANT

MAR 11 1903

10/10/03. P. O. 2-1903. 2. 7

CHOCTAW MCR 2794

ALLEN NICHOLS

MCR 2794

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Allen Nichols, et al.,
for identification as Mississippi Choctaws, M.C.R. 2794.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Allen Nichols, et al.,

	(Page)
Original application of Allen Nichols, et al., before the Dawes Commission for identification as Mississippi Choctaws..	1
Affidavit of Handy Tins	5
Affidavit of H. W. Wilson.....	6
Decision of the Commission refusing the application of Allen Nichols, et al., for identification as Mississippi Choctaws.....	7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Allen Nichols for the identification of himself, his wife and eight minor children as Mississippi Choctaws.

Allen Nichols, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Allen Nichols.
Q What is your age? A Forty nine.
Q What is your post office address? A Cellinsville.
Q Mississippi? A Yes sir.
Q How long have you been living there? A Twenty years.
Q Where did you live before you lived there? A Neshoba County.
Q Where were you born? A I was born in Mississippi I reckon---yes in Mississippi.
Q What place in Mississippi? A ~~Now~~ Newton County.
Q You were born in Newton County, Mississippi, and then removed to what county? A Neshoba.
Q From there to what county? A Lauderdale.
Q And you live in Lauderdale now? A Yes.
Q What is your father's name? A Sam Nichols.
Q Is he living? A No sir.
Q What is your mother's name? A Pannie.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood? A Grandfather.
Q Through which one of these parents? A Mother.
Q How much Choctaw blood do you claim? A One quarter.
Q What was your father's blood? A He claims that his father was Injun---I never did see his father.
Q What did your father look like to you---a negre or Indian? A He looked like he was mixed blood---he had straight, black hair.
Q Did he have any looks of a negre about him? A Yes looked like he had some.
Q Was he a slave before the war? A Yes sir.
Q What was your mother's blood? A Her father is a full blooded Choctaw Indian.
Q What was her blood? A She was one half.
Q One half what? A One half Injun.
Q What other blood? A One half darkey.
Q Was she a slave before the war? A Yes sir.
Q How do you she was one half Choctaw? A I know by her father.
Q Was Sam Nichols and your mother married? A Yes sir.
Q Were they owned by the same master before the close of the war? A No sir.
Q By different masters? A Yes sir.
Q Were you a slave before the war? A Yes I reckon so, just about it. I was I reckon ten years old.
Q You know that you were a slave? A Yes.
Q What was your masters name? A William Inge.
Q Was he your mother's master too? A Yes sir.
Q I understood you to say you were claiming your Choctaw blood through your mother alone? A Yes sir.

Allen Nichols----2.

- Q Not through your father---is that right? A Yes sir.
- Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Anna.
- Q Do you make any claim for your wife? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is her age? A Forty years old.
- Q What do you claim her blood is? A I claim quarter.
- Q Quarter what? A Indian.
- Q What is the rest of her blood? A Darkey.
- Q How do you know she is quarter Choctaw Indian? A From her mother.
- Q How do you know from her mother? A Her mother claimed she was half.
- Q All you know is that you heard her mother claim she was one half Choctaw? A Yes and I saw her.
- Q From what she said and from what you saw you are prepared to swear she is one half Choctaw? A Yes sir.
- Q What is your wife's father's name? A Jesse Windom.
- Q What is your wife's mother's name? A Elsie Windom.
- Q Through which one of these parents does your wife derive her Choctaw blood? A From her mother.
- Q And how much did you say her mother was? A One half Choctaw and one half negro.
- Q Is she living? A No, she is dead.
- Q Is your wife's father living? A Yes sir.
- Q Was he a negro? A Yes sir.
- Q Was he a slave before the war? A Yes sir.
- Q Was your wife's mother a slave before the war? A Yes sir.
- Q Was your wife a slave before the war? A Yes sir, I guess so, of course she lived with her mother.
- Q Has your wife's mother through whom you claim for her the right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Are there any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes sir.
- Q What are the names of your children under twenty one and unmarried? A Virginia, sixteen; Charley, thirteen; Annie, twelve; Truly, nine; Sandy, seven; Allie, six; Pavis, 4; Phelix, one.
- Q Are these all the children you have? A Yes sir.
- Q Is Anna the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q When and where were you married to your wife Anna? A I was married in Neshoba county.
- Q When? A I don't remember how long it has been now.
- Q Were you married under license and by an ordained minister? A I was married by a justice of the peace.
- Q Have you your marriage license with you? A No sir, they never left none with me at that time.
- Q You had one didn't you? A Yes, I left it with him.

Allen Nichols---3.

- Q Is your name or the name of your wife or children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
- Q Have you ever made application for yourself, your wife or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir, I have not.
- Q Did you or any one for you or for your wife or children in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you, your wife or children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application for yourself, your wife or children before this to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q This is the first application you have made for yourself or them? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes sir?
- Q Do you claim your rights as beneficiaries for yourself and them under article fourteen of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Have your wife's ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give the names of any of your ancestors or your wife's ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians? A No sir, I couldn't at this time.
- Q Can you give the names of any of your ancestors or your wife's ancestors through whom you claim your Choctaw blood? A No sir.
- Q Did any of your ancestors or any of your wife's ancestors remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama and go to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 and to 1838? A I don't know.
- Q Did any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A No sir, I don't know.
- Q Have any of your ancestors or your wife's ancestors ever claimed or received any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Can you speak Choctaw? A No sir.
- Q Did you ever associate with the Choctaw Indians? A Yes sir.
- Q Did you live with them? A Yes in Neshoba county.
- Q How did you come to live with them? A I worked with them and played ball with them.
- Q Are there any additional statements you want to make in support of your application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were ever recognized members of

Allen Nichols----4.

the Choctaw tribe of Indians in 1830, or that your wife's ancestors were ever recognized members of the Choctaw tribe of Indians in 1830, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A Yes.

Affidavit of Handy Tins presented by applicant, received, filed, marked Exhibit A and made part of the records in this case.
Affidavit of H. W. Wilson presented by applicant, received, filed, marked Exhibit B and made part of the record in this case.

Q Have you any other documentary evidence? A No sir.
Q Would you like time in which to introduce more evidence in this case? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file further documentary evidence in support of this application, also marriage license and certificate or certified copy of same should he wish to file the same.

This applicant has the appearance and manner of a person descended from negro parents. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself, your wife and eight minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 26, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 29th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of July, 1901.

[Signature]
Notary Public.

off.
C. W. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Allen Nichols, et al.,
for identification as Mississippi Choctaws, M.C.R. 2794.

--: D E C I S I O N :-

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Allen Nichols for himself, his wife Anna Nichols, and his eight
minor children, Virginia, Charley, Annie, Truly, Sandy, Allie, Favis,
and Phelix Nichols, under the following provision of the act of
Congress approved June 25, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
thereto and make report to the Secretary of the Interior."

It also appears that the applicant Allen Nichols claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Charles Reed, who is alleged to have been a full blood Choctaw Indian; that the applicant Anna Nichols claims said rights by reason of being a descendant of Elsie Windom who is alleged to have been an one-half blood Choctaw Indian; and that the minor children herein applied for, claim said rights by reason of being descendants of both Charles Reed and Elsie Windom.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charles Reed, or Elsie Windom signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights there-

-3-
under to either of the Commissions authorized to adjudicate such
claims by the acts of Congress approved March 3, 1837 (5 Stats.,
180) and August 23, 1842 (5 Stats., 523).

It is therefore the opinion of this Commission that the
evidence herein is insufficient to determine the identity of Allen
Nichols, Anna Nichols, Virginia Nichols, Charley Nichols, Annie
Nichols, Truhy Nichols, Sandy Nichols, Allie Nichols, Favis Nichols,
and Phelix Nichols, as Choctaw Indians entitled to rights in the
Choctaw lands under the provisions of said article fourteen of the
treaty of eighteen hundred and thirty, and that the application for
their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tame Dixby.

Acting Chairman.

WITNESSED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

COPY.

Muskogee, Indian Territory, October 30, 1902.

Allen Nichols,
Collinsville, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Allen Nichols, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Allen Nichols, Anna Nichols, Virginia Nichols, Charley Nichols, Annie Nichols, Truly Nichols, Sandy Nichols, Allie Nichols, Favis Nichols, and Phelix Nichols, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that you will be allowed fifteen

A 1-2.

days from the date heretofore within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Dixby

Acting Chairman.

Registered.

COPIV

M C R 2794.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cernish.

Attorneys for the Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Allen Nichols, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Allen Nichols, Anna Nichols, Virginia Nichols, Charley Nichols, Annie Nichols, Truly Nichols, Sandy Nichols, Lillie Nichols, Favis Nichols, and Phelix Nichols, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

M McK & C-2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tanne Dixby.
Acting Chairman.

M C R 2794.

COPY

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Allen Nichols, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30th, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 2794.

(COPY)

Land

DEPARTMENT OF THE INTERIOR,

69036--1902.

Office of Indian Affairs,

Washington, January 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Allen Nichols, for himself, his wife, Annie, and his eight minor children, Virginia, Charley, Annie, Truly, Sandy, Allie, Favis, and Phelix Nichols, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission October 30, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Charles Reed and Elsie Windom, who are alleged to have been members of the Choctaw tribe of Indians in Mississippi in 1830. The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and further that none of the applicants has ever been enrolled by the Choctaw tribal authorities

as members of the Choctaw tribe or admitted to Choctaw citizenship.

An examination of the records of this office discloses the fact that the names of Charles Reed or Elsie Windom do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, nor does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights as Choctaw Indians, if they had such rights.

These being the facts it is evident that the decision of the Commission rejecting the parties hereto is correct, and the office respectfully recommends that said decision be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

C.T.C.(E.)

(COPY)

D.C. 4823-1903.

DEPARTMENT OF THE INTERIOR.

MAP.

ITD.1168-1903.

Washington.

L R E

February 18, 1903.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Allen Nichols, his wife Anna Nichols, and his minor children, Virginia, Charley, Annie, Truly, Sandy, Allie, Favis and Phelix Nichols, including your decision of October 30, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Charles Reed, alleged to have been a full blood Choctaw Indian, or of Elsie Windem, alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

-2-

Reporting January 30, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has reviewed the record and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 2794

COPY.

Muskogee, Indian Territory, February 28, 1903.

Allen Nichols,
Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Allen Nichols, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

RECEIVED

Tams Bixby.
Chairman.

COPY.

M.C.R. 2794

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMuray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Allen Nichols, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

James Birby
Chairman.

#1041

No

For Identification as a Mississippi Choctaw.

Date

JUN 20 1901

Name *Allen Nichols*

Age *49*

Blood *1/4*

Post Office, *Collinsville, Miss.*

Father; *Sam Nichols* ^{Slavd}

Mother: *Tannie Nichols* ^{1/2 Choctaw}

Claims through *mother*
wife,

Assna, 1/4 choct, 3/4 neg, 40
father, *Jesse Windom, neg.* (d)
mother, *Ellie* ^{1/2 choct, 1/2 neg} (d)
claims for mother
(Claims for wife) —

Children:

<i>Virginia,</i>	<i>16</i>
<i>Charley</i>	<i>13</i>
<i>Annie</i>	<i>12</i>
<i>Truly</i>	<i>9</i>
<i>Sandy</i>	<i>7</i>
<i>Allie</i>	<i>6</i>
<i>Favis</i>	<i>4</i>
<i>Phelix</i>	<i>1</i>

*claims for self, wife
and children.*

Stenographer

H. C. Risteen

Allen Nichols, et al.

REFUSED

DECISION RENDERED. OCT 30 1902

NOTICE OF DECISION MAILED APPLICANT:

OCT 30 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 30 1902

RECORD FORWARDED DEPARTMENT:

NOV 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

FEB 18 1903

NOTICE OF DEPARTMENTAL ACTION:
FORWARDED APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

1903

CHOCTAW MCR 2795

ALBERT McCADE

MCR 2795

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, June 29, 1901.

In the matter of the application of Albert McDade for the identification of himself, his wife and nine minor children as Mississippi Choctaws.

Albert McDade, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Albert McDade.
Q What is your age? A I am about thirty years old.
Q What is your post office address? A DeKalb, Mississippi.
Q Where were you born? A I was born in Mississippi near DeKalb.
Q And have you always lived in the same place? A Yes.
Q What is your father's name? A Moses McDade.
Q Is he dead? A Dead long time.
Q What is your mother's name? A Jane McDade.
Q Is she dead? A Yes.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One quarter.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as a Member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir, not as I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Frances McDade.
Q Is she a colored woman? A Yes sir.
Q Do you make claim for her? A Yes.
Q How can you when you say she is colored? A I suppose she is colored, but she has got that blood in her.
Q What kind of blood? A Choctaw.
Q How do you know? A Because her daddy is quarter Injun.
Q How do you know that? A Because he has always been called it.
Q What is her father's name? A Al McAllen.
Q Is he living? A Yes sir.
Q How much Choctaw blood do you claim he has? A He has about one quarter too.
Q What is her mother's name? A Elisa McAllen.
Q Is she living or dead? A She is dead.
Q Was her father a slave before the war? A Yes.
Q Was her mother a slave before the war? A Yes.
Q Were your mother and father slaves before the war? A Yes.
Q How does it happen that your parents and her parents were all slaves and yet had Choctaw blood? A I say they was.
Q You know they were don't you? A Yes.
Q Explain to me how Choctaw Indians could be slaves? A I reckon they had a master like the rest of them.
Q You don't know anything about it do you? A No sir.
Q You said your wife is colored, now what do you say she is? A One quarter Injun.
Q She doesn't claim through her mother? A No.
Q Her mother was a negro? A Yes.
Q And you say her father is one quarter Injun? A Yes--her father is one half.

Albert McDade---2.

- Q You said her father was one quarter---do you change that now and make it one half? A That is what I say.
- Q How much do you claim for her? A Wouldn't that make it one quarter?
- Q I have asked you how much do you claim for her? A One quarter.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes.
- Q What is the name of the oldest one? A Willie.
- Q How old is Willie? A Fourteen.
- Q What is the name of the next? A Moses.
- Q How old is Moses? A Thirteen I think.
- Q What is the next? A Essie, twelve.
- Q Next? A Ola, seven.
- Q Next? A Susie, six.
- Q What is the next? A Lula, five.
- Q Next? A Lincoln, three, and Dink, two.
- Q Is Willie a boy or girl? A Boy.
- Q Lincoln is a boy? A Yes.
- Q Is Dink a boy? A No, a girl.
- Q Any other children? A Buck, a boy, eight months old.
- Q Is Frances McDade the mother of these children? A Yes sir, my wife.
- Q Are you the father? A Yes sir.
- Q Are these children living with you at your home? A Yes, right at my home.
- Q Have you your marriage license and certificate? A Yes sir.
- Q Married by an ordained minister? A Yes sir.
- Q Have you your marriage license and certificate with you to introduce now? A No sir.
- Q Is your name or the name of your wife or children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, not as I know of.
- Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment as members of the Choctaw tribe of yourself, your wife or your children? A No sir.
- Q Did you or did any one for you, your wife or children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship, or your wife or children, in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself, your wife or children to either the Choctaw tribal authorities, or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application you have ever made for yourself, your wife or children? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself, your wife and children? A Yes sir.
- Q Do you claim this right for yourself and the a as beneficiaries under the provisions of article fourteen of the treaty of 1856? A Yes sir.
- Q Have you or your ancestors or your wife's ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give the names of any of your ancestors or your wife's ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1856 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A No sir.

Albert McRae-----3.

Q Can you give the names of any of your ancestors or you wife's ancestors? A I can of my father.

Q What were their names? A My grandmother was named Ann.

Q Your father's mother? A Yes sir.

Q Was she a full blood Choctaw Indian? A Yes sir.

Q Have you any documentary evidence to show that she was a full blood Choctaw? A No sir, but I can get my proof after now.

Q You think you can prove that by affidavits? A Yes sir.

Q Did she or any of your ancestors or any of your wife's ancestors go from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the Indian Territory with the other Indians from 1833 to 1838? A No sir.

Q Did she or any other of your ancestors or your wife's ancestors at within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A Yes sir.

Q Did they do that? A Yes sir.

Q How do you know they did? A I was there.

Q Do you understand that question? A I think I do.

Q I will ask it again: Did your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Yes sir.

Q Do you understand that question? A Yes sir.

Q I asked you if they within six months after the ratification of the treaty of 1830,---away back there in the year 1830, seventy-one years ago---went to the Indian Agent and you say Yes, I understand the question, I was there---Were you there seventy years ago? A No sir.

Q Then you didn't understand the question? A No sir.

Q Do you know whether they did that or not? A No sir, I don't know whether they did or not.

Q Did you ever hear anybody say that they did? A No sir.

Q Have you any documentary evidence that they did? A No sir.

Q Have any of your ancestors or your wife's ancestors ever claimed or received any land in Mississippi under article fourteen of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A Not exactly I don't think.

Q Can you at all? A I used to could but I have near forgot it all.

Q Can you speak Choctaw at all so as to carry on a conversation
A I don't really know whether I can or not.

Isham Johnston, official interpreter, is called and asks applicant a question in Choctaw.

Q Did you understand what he said? A I don't understand it--he said some words that I could understand.

Q What words did he speak that you could understand? A I will give it to you if I have got it.

Q Tell me anything he said that you understood? A I didn't understand anything he said.

Q Do you understand Choctaw at all? A No sir, not altogether.

Q I want you to answer my question: Do you understand Choctaw at all
A No sir, I have forgotten it all.

Albert McDade-----2.

Q Is there anything further you want to say in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors ~~were~~ or your wife's ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty?

A No sir.

Q Do you want time in which to introduce documentary evidence?

A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to introduce documentary and other evidence, to gether with his marriage license and certificate if he desires to do so in support of this application for himself, his wife and children.

This applicant has the appearance and all of the characteristics of a full blood negro with full blood negro parentage. He claimed he could understand something of the Choctaw language but when confronted by the Choctaw interpreter and addressed in that language he knew nothing of it. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself, your wife and nine minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 29th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 5th day of July, 1901.

[Signature]
Notary Public.

COPY.

M.C.R.2795

Muskogee, Indian Territory, October 27, 1902

Albert McDade,

DeKalb, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Albert McDade et al., embracing the following applications for identification as Mississippi Choctaws:

Obe McDade, et al.,	M.C.R.2796
Mose Rush, et al.,	M.C.R.2984
Sherman Rush,	M.C.R.2958
Israel Rush,	M.C.R.2957
Verge Cherry,	M.C.R.2966
Henry Cherry, et al.,	M.C.R.2961
Dave N. McDade, et al.,	M.C.R.2941
Albert McDade, et al.,	M.C.R.2795

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

A M S

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Obe McDade, Albert McDade, Obe McDade, Jr., Ada McDade, Tippy McDade, Ann McDade, Martha McDade, Lucy McDade, Lula A. McDade, Moses Rush, Callie M. Rush, Sherman Rush, Israel Rush, Verge Cherry, Henry Cherry, Ezekiel Cherry, Moses Cherry, Dave N. McDade, Nealy W. McDade, Chester McDade, William M. McDade, Mary Monade, Queenie McDade, Joshua McDade, Albert McDade (No. 2), Frances McDade, Willie McDade, Moses McDade, Ruffie McDade, Ola McDade, Supie McDade, Lula McDade, Lincoln McDade, Dink McDade and Buck McDade as Choctaw Indians entitled to rights in the Choctaw lands under said article fourteen of the treaty of ~~eighteen hundred and~~ thirty and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

C. R. Breckinridge
Commissioner in Charge.

COPY.

M.O.R. 2795

Muskogee, Indian Territory, March 11, 1903.

Albert McDade,

De Kalb, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Obe McDade, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

#1042

No

For Identification as a Mississippi Choctaw.

Date

JUN 29 1901

Name *Albert Mc Dade,*

Age 30

Blood $\frac{1}{4}$

Post Office, *Ke Kolb, Miss,*

Father: *Moses Mc Dade, d*

Mother: *Jane " d*

Claims through

father
wife - *DADE $\frac{1}{4}$ cho.*
Frances Mc Dade, Choctaw
father - *Al. Mc Allen, $\frac{1}{2}$ cho. & l.*
mother - *Eliza " d*
child's first father -

Children: *Willie boy 14*
Moses " 13
Essie " 12
Ola girl 7
Messie " 6
Lula " 5
Lincoln boy 3
Alvin C. son girl, 2
Bessie - boy 8 m.
Claims for self
wife and children.

Stenographer *H. C. Resner*

AMISSISSIPPI CHOCTAW

Albert McDade, et al.

REFUSED

DECISION RENDERED. **OCT 27 1902**

NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 27 1902

RECORD FORWARDED DEPARTMENT.

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 11 1903

REFER TO M. C. R. 2796

CHOCTAW MCR 2796

OBE McDADE

MCR 2796

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,**

In the matter of the application of Obe McDade, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

Obe McDade, et al.,	M. C. R. 2796
Moss Rush, et al.,	M. C. R. 2798
Sherman Rush,	M. C. R. 2799
Israel Rush,	M. C. R. 2797
Verge Cherry,	M. C. R. 2800
Henry Cherry, et al.,	M. C. R. 2801
Dave E. McDade, et al.,	M. C. R. 2802
Albert McDade, et al.,	M. C. R. 2795

List of papers for warded to the Secretary of the Interior,
embracing the record in the consolidated case of
Obe McDade, Et al.

	Page.
Original application of Obe McDade, et al., for identification as Mississippi Choctaws,	1
Original application of Moss Rush, et al., for identification as Mississippi Choctaws,	4
Joint affidavit of Joe Jones and Sarah Ann Stephens in support of application,	7
Affidavit of O. A. McDade in support of appli- cation,	8
Original application of Sherman Rush for identification as a Mississippi Choctaw,	9
Joint affidavits of Joe Jones and Sarah Ann Stephens,	12
Affidavit of O. A. McDade, in support of application,	13

Original application of Israel Rush for identification as a Mississippi Choctaw.	14
Examination of Albert McDade in support of application.	16
Joint affidavit of Joe Jones and Sarah Ann Stephens, in support of application.	18
Affidavit of C. A. McDade in support of application.	19
Original application of Verge Cherry for identification as a Mississippi Choctaw.	20
Examination of Henry L. Cherry in support of application.	23
Original application of Henry Cherry, et al., for identification as Mississippi Choctaws.	25
Original application of Dave W. McDade, et al., for identification as Mississippi Choctaws.	29
Examination of Obe McDade in support of application.	32
Certified copy of marriage record of Nealy McDade and Martha Mc Allum.	34
Joint affidavit of Sarah Ann Stephens and Julia Ann Stephens in support of application.	35
Affidavit of C. A. McDade in support of application.	36
Affidavit of Joe Jones in support of application.	37
Original application of Albert McDade, et al., for identification as Mississippi Choctaws.	38
Certified copy of marriage record of Albert McDade and Frances McAlleum.	42
Affidavit of C. A. McDade.	44
Decision of the Commission refusing the consolidated application of Obe McDade, et al., for identification as Mississippi Choctaws.	45

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, June 29th, 1901.

In the matter of the application of Obe McDade for the identification of himself and eight minor children as Mississippi Choctaws.

Said Obe McDade, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Obe McDade.
Q What is your age? A Thirty-four.
Q What is your postoffice address? A DeKalb, Mississippi.
Q How long have you lived at DeKalb? A All my life.
Q Born near there? A Yes sir.
Q Do you know in what County DeKalb is? A No sir.
Q What is your father's name? A Moses McDade.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Her name is Jane.
Q Is she dead? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One-fourth.
Q What was your father's blood beside Choctaw? A His mother was a Choctaw.
Q What was your father's blood beside Choctaw? A Negro.
Q One-half negro? A Yes sir.
Q Was he a slave before the war? A Yes sir.
Q What was your mother's blood? A Negro.
Q Was she a slave before the war? A Yes sir.
Q Were you a slave before the war? A No sir, I never was a slave.
Q What was your father's name? A Jim McDade.
Q Your father took that name did he? A Yes sir.
Q Were your father and mother legally married? A Yes sir.
Q Has your father, through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Queeney.
Q What is her blood? A Negro; she may have a little Indian in her but I don't know how much.
Q Do you make any claim for her? A No sir.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the eldest? A Albert.
Q How old? A Fourteen.
Q Next? A Obe.
Q How old? A Twelve.
Q Next one? A Ada.
Q How old? A Ten.
Q Next? A Tippy.
Q How old? A Eight.
Q Is that a girl or boy? A Boy.
Q Next? A Ann.
Q Girl? A Yes sir.

- Q How old? A Six.
- Q Next? A Martha.
- Q How old? A Four.
- Q Next? A Lucy.
- Q How old? A Two.
- Q Next? A Ella A.
- Q How old? A Eight months.
- Q Are you the father of these children? A Yes sir.
- Q Is Queeney, your wife, the mother? A Yes sir.
- Q How long have you been married to your wife? A Going on about fifteen years.
- Q Were you married by an ordained minister? A Yes sir.
- Q And with a license? A Yes sir.
- Q Have you your marriage license and certificate with you?
- A No sir.
- Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory for the enrollment of yourself and children as members of that Tribe? A No sir.
- Q Did you or did anyone for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
- A No sir.
- Q Have your children ever been admitted? A No sir.
- Q Have you ever made application before this time for yourself and children to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application you ever made of any kind? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim your right as beneficiaries for yourself and them under article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.
- Q Have you any evidence showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.
- Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Tribe of Indians in Mississippi or Alabama and go the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians from 1833 to 1838? A No sir.
- Q If your ancestors did not remove with the other Indians at that time, did they, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Obe McDade et al---3

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty, or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentary evidence together with your marriage license? A Yes sir.

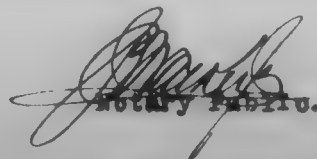
Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application, together with original or certified copy of marriage license and certificate.

This applicant has the appearance of one descended from negro ancestry. He does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your eight minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, June 29th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.


Notary Public.

Ex. L.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of One McDade, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of

One McDade, et al.,	M C R 2726
Wesley Bush, et al.,	M C R 2904
Sherman Bush,	M C R 2955
Israel Bush,	M C R 2957
Verge Cherry,	M C R 2956
Henry Cherry, et al.,	M C R 2962
Dave N. McDade, et al.,	M C R 2941
Albert McDade, et al.,	M C R 2908

DECISION

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by One McDade for himself and his eight minor children, Albert, One, Jr., Ada, Tiggy, Ann, Martha, Lucy and Nula A. McDade; by Wesley Bush for himself and his minor child, Galile N. Bush; by Sherman Bush for himself; by Israel Bush for himself; by Vergie Cherry for himself; by Henry L. Cherry for his three minor children, Henry, Michael and Moses Cherry; by Dave N. McDade for himself and his six minor children, Neely W., Chester, William M., Mary, Quennie and Joshua McDade; and by Albert McDade for himself, for his wife, Frances McDade, and his nine minor children, Willie, James, Mabel, Ella, Susie, Lela, Lincoln, Dink and Buck McDade, under the following provision of the act of Congress approved June 22, 1906, (34 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except Frances McDade, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jim Lewis and Ann Lewis, who are alleged to have been full blood Choctaw Indians, and that the said Frances McDade and also her minor children herein applied for claim said rights by reason of being descendants of one Al McAllen, who is alleged to have been an one fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 531).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted

to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Lewis, or Ann Lewis, or Al McAllen, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Obe McDade, Albert McDade, Obe McDade, Jr., Ada McDade, Tippy McDade, Ann McDade, Martha McDade, Lucy McDade, Bala A. McDade, Hesse Rush, Callie M. Rush, Sherman Rush, Israel Rush, Vorge Cherry, Henry Cherry, Ezekiel Cherry, Moses Cherry, Dave H. McDade, Healy W. McDade, Chester McDade, William H. McDade, Mary McDade, Ocasie McDade, Joshua McDade, Albert McDade (No. 2), Frances McDade, Willie McDade, Hesse McDade, Essie McDade, Ole McDade, Eunice McDade, Lula McDade, Lincoln McDade, Dink McDade and Buck McDade as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be

refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

SIGNED,

Tamr Dixby.

ACTING COMMISSIONER.

SIGNED,

T. E. Needles.

COMMISSIONER.

SIGNED,

C. R. Breckinridge.

COMMISSIONER.

Washington, Indian Territory,

OCT 27 1902

COPY.

M.C.R.2796

Muskogee, Indian Territory, October 27, 1902

Obe McDade,
Dekalb, Mississippi,
Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Obe McDade, et al., embracing the following applications for identification as Mississippi Choctaws:

Obe McDade, et al.,	M.C.R.2796
Mose Rush, et al.,	M.C.R.2954
Sherman Rush,	M.C.R.2955
Israel Rush,	M.C.R.2957
Verge Cherry,	M.C.R.2966
Henry Cherry, et al.,	M.C.R.2961
Dave N. McDade, et al.,	M.C.R.2941
Albert McDade, et al.,	M.C.R.2796

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

O. No. 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Obe McDade, Albert McDade, Obe McDade, Jr., Ada McDade, Tippy McDade, Ann McDade, Martha McDade, Lucy McDade, Lula A. McDade, Mose Rush, Callie M. Rush, Sherman Rush, Israel Rush, Vorge Cherry, Henry Cherry, Ezekiel Cherry, Moses Cherry, Dave M. McDade, Nealy M. McDade, Chester McDade, William M. McDade, Mary McDade, Queenie McDade, Joshua McDade, Albert McDade (No. 3), Frances McDade, Willie McDade, Moses McDade, Essie McDade, Ola McDade, Essie McDade, Lula McDade, Lincoln McDade, Dink McDade and Buck McDade as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

Commissioner in Charge.

Registered.

COPY.

M.C.R.2796

Muskogee, Indian Territory, October 27, 1902

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Obe McDade, et al., embracing the following applications for identification as Mississippi Choctaws:

Obe McDade, et al.,	M.C.R.2796
Wose Rush, et al.,	M.C.R.2954
Sherman Rush,	M.C.R.2955
Israel Rush,	M.C.R.2957
Verge Cherry,	M.C.R.2960
Henry Cherry, et al.,	M.C.R.2961
Dave W. McDade, et al.,	M.C.R.2941
Albert McDade, et al.,	M.C.R.2795.

These applications were made under the provision of the act of Congress of June 28, 1902 (30 stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may

M M 2 C 2

administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Obe McDade, Albert McDade, Obe McDade, Jr., Ada McDade, Tippy McDade, Ann McDade, Martha McDade, Lucy McDade, Lula A. McDade, Mose Rush, Callie M. Rush, Sherman Rush, Israel Rush, Verge Cherry, Henry Cherry, Ezekiel Cherry, Moses Cherry, Dave W. McDade, Nealy W. McDade, Chester McDade, William W. McDade, Mary McDade, Queenie McDade, Joshua McDade, Albert McDade (No. 2), Frances McDade, Willie McDade, Moses McDade, Essie McDade, Ola McDade, Susie McDade, Lula McDade, Lincoln McDade, Dink McDade and Buck McDade as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

J. D. Buchanan
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Obe McDade, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Obe McDade, et al.,	M.C.R. 2796.
Mose Rush, et al.,	" 2954
Sherman Rush,	" 2955
Israel Rush,	" 2957
Verge Cherry,	" 2966
Henry Cherry, et al.,	" 2961
Dave H. McDade, et al.,	" 2941
Albert McDade, et al.,	" 2798

The Commission has the honor to report that the principal applicants, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Through the Commissioner
of Indian Affairs.

1 enclosure. M.C.R. 2796.

Tame Dixby.
Acting Chairman.

C O . . .

Land
68,321-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Feb. 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following parties for identification as Mississippi Choctaws: Obe McDade for himself and his eight minor children, Albert, Obe, Jr., Ada, Tippy, Ann, Martha, Lucy and Lula A. McDade; Mose Rush for himself and his minor child, Callie M. Rush; Sherman Rush for himself; Israel Rush for himself; Verge Cherry for himself; Henry L. Cherry for his three minor children, Henry, Ezekiel and Moses Cherry; Dave N. McDade for himself and his six minor children, Nealy W., Chester, William M., Mary, Queenie and Joshua McDade, and Albert McDade for himself, for his wife, Frances McDade, and his nine minor children, Willie, Moses, Essie, Ola, Sasie, Lula, Lincoln, Dink and Buck McDade, wherein a decision adverse to the applicants was rendered by the commission on October 27, 1903.

The testimony in this case shows that the applicants in this case claim right to identification as Mississippi Choctaws because

of their descent from Jim Lewis, Ann Lewis and Mose McDade, who was a slave.

The commission rejected the applicants because the names of the ancestors through whom they claim do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office has been made and it is found that the names of Jim Lewis, Ann Lewis and Mose McDade do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of said treaty.

This being true, it is believed that the decision of the Commission rejecting the applicants was correct and it is therefore recommended that it be approved.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner.

(E.B.H.)
P.

C O P Y .

D.C.5620-1903.

RAF.

DEPARTMENT OF THE INTERIOR.
Washington.

ITD. 1270-1903
LRS.

February 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 12, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws of Obe McDade and his minor children, Albert, Obe Jr., Ada, Tippy, Ann, Martha, Lucy and Eula A. McDade; of Mose Rush and his minor child, Callie M. Rush; of Sherman Rush; of Israel Rush; of Verge Cherry; of Henry L. Cherry his minor children, Henry, Ezekiel and Moses Cherry; of Dave N. McDade and his minor children, Nealy W. Chester, William M., Mary, Queenie and Joshua McDade; and of Albert McDade, his wife Frances McDade, and his minor children, Willie, Moses, Essie, Ola, Susie, Lula, Lincoln, Dink and Buck McDade. By decision dated October 27, 1902, you refused the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jim Lewis and Ann Lewis, who are alleged to have been full blood Choctaw Indians, or of Al McAllen who is alleged to have been a one-fourth blood Choctaw Indian.

The record fails to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the whole record and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

M.C.R. 2796

COPY.

Muskogee, Indian Territory, March 11, 1903.

Obe McDade,

De Kalb, Mississippi.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Obe McDade, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED).

Jams Bixby
Chairman.

COPY.

M.C.R. 2796

Muskogee, Indian Territory, March 11, 1903.

Wansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Obe McNamee, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

SIGNED,

Jame Bixby

Chairman.

REFER TO M. C. N. 2796

Abe McLade
et al

Consolidated Co.

CARD No.

NAME

RESIDENCE
COUNTY

POST OFFICE

AGE SEX

Jim Lewis
or
Ann

Mose, or
Moses, McDade 1/2 D
slave
wife
Jane McDade

* Testimony in 2786 & 2941.
Documentary evidence traces
descent from Jim Lewis. 1st
applicant in MCK 2795 states
that Mose McDade, lived
Choc. blood from his mother,
Ann.

Emma McDade 3/4

married
Adam Rush, negro.

Melinda McDade 1/2 D

married
Henry Cherry, negro

Obe McDade 3/4

wife
Quennie McDade

Dave McDade, 3/4

wife
Martha McDade

Albert McDade, 3/4

wife
Frances McDade 1/4
claim for wife thro' her father
as mother

Mose Rush 25 1/8

married

Susie Simpson, negro

Sherman Rush, 22 1/8

Adam Rush, 20 1/8

Verge Cherry 21 1/8

wife
Hattie Cherry, negro

Henry Cherry 18

Ezekiel Cherry 16

Moses Cherry 8

Albert McDade 14

Obe McDade 12

Ada McDade 10

Tippy McDade 8

Ann McDade 6

Martha McDade 4

Lucy McDade 2

Eula McDade 8m

Nealy W. McDade 10

Chester McDade 6

William M. McDade 4

Mary McDade 2

Queenie McDade 5

Joshua McDade 10 days

Willie McDade 14

Moss McDade 13

Lassie McDade 12

Ala McDade 7

Susie McDade 6

Lula McDade 5

Lincoln McDade 3

Dick McDade 2

Buck McDade 8m

Callie M. Rush, 11 mos.

A MISSISSIPPI CHOCTAW R. 279

Obe M. Dode et al.

REFUSED

DECISION RENDERED. OCT 27 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

OCT 27 1902

RECORD FORWARDED DEPARTMENT.

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKSAW NATIONS.

MAR 11 1903

REFER TO M. C. R. 2954. 2955. 2957.
2966. 2961. 2941. 2795

#1043

No. 2743

For Identification as a Mississippi Choctaw.

Date JUN 29 1901

Name Obe McLoade

Age 3.4 Blood $\frac{1}{4}$ ~~negro~~

Post Office, Lee Kalb, Miss.

Father: Moses McLoade d $\frac{1}{2}$ neg. $\frac{1}{2}$ Choctaw

Mother: Jane " negro. d

Claims through Father -
wife

Lucy - negro.

No claim for ~~her~~ wife.

Children:	Albert	14
	Obe (son)	12
	Ada	10
	Pippy - (boy)	8
	Ahn (girl)	6
	Martha -	4
	Lucy -	2
	Eula a -	8 m

Claims for self &
children.

Stenographer J. J. Miles

CHOCTAW MCR 2797

JOHN O. BRASHEARS

MCR 2797

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2797

In the matter of the application of John G. Brashears for identification as a Mississippi Choctaw.

John G. Brashears being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John G. Brashears.
Q What is your age? A Fifty-three.
Q What is your post-office address? A Sherman, Texas; #308 R. Cherry.
Q How long have you lived in Sherman? A In the vicinity of Sherman twenty-five years.
Q Where did you live before that? A In Missouri.
Q How long did you live in Missouri? A About twenty-eight years; all my life.
Q Were you born in Missouri? A Yes.
Q And lived there continuously until you moved to Texas? A Yes.
Q And you have lived in Texas ever since? A Yes.
Q What is your father's name? A Levi Brashears.
Q Is he living? A No.
Q What is your mother's name? A Fernelia Brashears.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A $1/16$
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Are you married? A No.
Q Have you ever been married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
A No.
Q Did you or did any one for you, in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 20, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A I have not.
Q Is this the first application of any description you have ever made? A Yes.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
Q Are you familiar with the provisions of that article? A No.

John O. Brashears---2

Q I will read it so that all of you can hear it; article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Do you claim under this article of this treaty?

A I am claiming under this old article, I believe it is 1830; I want all the benefits that derives to me from it; that's what I am claiming under.

Q Well, the Commission is only authorized to identify those Choctaw Indians who claim under the fourteenth article of the treaty of 1830. Have you ever received any benefits as a Choctaw Indian?

A No. Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A My grandfather was named John; that's all I can tell you.

Q John Brashears? A Yes.

Q Have you any evidence that he was a recognized member of the Choctaw tribe at that time? A All the evidence as I know of is that we just claim that that's all what we always understood.

Q Did this ancestor if a Choctaw Indian, remove from the territory occupied by the old Choctaw Indians in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other Indians from 1833 to 1836? A Indeed I can't tell you.

Q If he did not remove with the other members of the tribe did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Indeed I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that ever I knew of.

Q Are there any additional statements you desire to make in support of your application? A No, that is all I knew of.

Q Have you any documentary evidence, affidavits, written evidence of any kind, ~~any~~ deeds or patents or copies of records, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A This is all the evidence that I have at present.

Written application of John O. Brashears offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of John Lewis, offered in evidence by

John S. Brachear--3

applicant, marked Exhibit "B", filed and made a part of the records in this case; copy of affidavit of Tobias Edwards, offered in evidence by applicant, marked Exhibit "C" filed and made a part of the record in this case.

Q Do you wish any time in which to file any additional evidence in support of your application? A Well, you might give me a little time; I might file.

Thirty days time is allowed applicant in which to file additional evidence in support of his claim.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the Stat. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a white man.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July, 1901.

R. W. Linebaugh
Notary Public

COPY.

M.C.R. 2797

Muskogee, Indian Territory, February 10, 1903.

John O. Brashears,
908 E. Cherry Street,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lon Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Etchel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Nimmie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

John O. Brashears, -2 .

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixby.

Acting Chairman.

Registered.

MOR-2797

COPY.

Muskogee, Indian Territory, January 25, 1906.

John O. Brashears,
908 East Cherry Street,
Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

W. O. Beall
~~Lame Diney~~

Acting Commissioner.

Index
John O'Brachears

Evidence & documents
John O. Brachears

No. 2797

For Identification as a Mississippi Choctaw.

Date **JUL 2- 1901**

Name *John O. Brashears.*

Age *53* Blood *1/16*

Post Office, *Sherman, Texas*

Father: *Levi Brashears (dead)*
908 E. Cherry St.

Mother: *Permelia* "

Claims through *father*

~~Children:~~

Claims for himself alone

Stenographer

Henry G. Hains.

John O. Grushere

DECISION H. J. R. R.

FEB 10 1903

NOTICE OF DECISION BY ALLOWANCE

FEB 11 1903

NOTICE OF DECISION BY ALLOWANCE
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 10 1903

RECORD FORWARDED DEPARTMENT.

FEB 7 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 17 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 25 1906

REFER TO M. C. R. 2799.

DECISION PREPARED

CHOCTAW MCR 2798

LOU GARNAND

MCR 2798

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2798

In the matter of the application of Lou Garband for the identification of herself and her minor child as Mississippi Choctaws.
Lou Garband having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lou Garband.
Q What is your age? A Fifty- one.
Q What is your post-office address? A Sherman Texas; 612 Houston Street.
Q How long did you live in Sherman? A Near about Sherman twenty-five years.
Q Where did you live before that? A In Missouri.
Q How long did you live in Missouri? A Twenty-six years- born there.
Q And lived there until you moved to Texas? A Yes.
Q What is your father's name? A Levi Brashears.
Q Is he living? A No.
Q What is your mother's name? A Permelia Brashears; ~~is~~
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father through whom you claim your rights to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not as I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Adam Garband.
Q Do you make application on behalf of your husband? A No.
Q He is a white man and makes no claim to Indian blood? A No.
Q Have you any children in your family under twenty-one and unmarried for whom you wish to make application at this time? A Yes one.
Q Give the name and age of that child. A Virginia Garband; seventeen
Q You are the mother of this child? A Yes.
Q What is the name of her father? A Adam Garband.
Q When and where were you married to Adam Garband. A In Missouri.
Q When? A In January 1873.
Q Is your name or the name of your child on any of the Choctaw tribal rolls in the Indian Territory? A No.
Q Have you ever made any application to the Choctaw tribal authorities in the Indian Territory for yourself or child to be enrolled as a member of that tribe? A No.
Q Did you or any one for you or for your child in 1896, make application to the ~~Commission to the Five Civilized Tribes~~ Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
Q Is this the first application of any description that you have ever

2796---Lou Garnand

made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right to identification as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as a Choctaw Indians? A Not that I know of.

Q What is the name of your ancestors or ancestor who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A John Brashears, my grandfather.

Q Have you any evidence showing that such ancestor was ever a recognized member of the Choctaw tribe at that time? A No only what we have always been taught; that he was.

Q Did this ancestor if a Choctaw Indian remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Not that I know of.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any benefits, any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A I have these.

Written application of Lou Garnand offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards, marked Exhibit "B", filed and made a part of the records in this case; copy of affidavit of John Lewis, offered in evidence by applicant, marked Exhibit "C" filed and made a part of the record in this case.

Q Do you desire any time in which to file additional evidence in support of your application? A No.

The decision of the Commission as to your application for the identification of yourself and your minor child as Mississippi Choctaws will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same be mailed to you at your post-office address as given by you in your testimony.

Applicant is apparently a white woman.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported

Lee Tarnan

in full all proceedings had in the above entitled cause on July 5, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Thorne

Subscribed and sworn to before me this 18 day of July, 1901.

Wm. H. Hinchey
Notary Public

COPY.

M.C.R. 2798

Muskogee, Indian Territory, February 10, 1903.

Lon Garnand,
812 Houston Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lon Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Margie Brashears, et al.,	M.C.R. 2804
Thomas F. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2805
Ellen White,	M.C.R. 2806
Minnie Rainwater,	M.C.R. 2804

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Leu Garnand, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Det Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Leu Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixie.

Acting Chairman.

Registered.

MOR-2798

COPY.

Muskogee, Indian Territory, January 25, 1906.

Lou Garnand,
812 Houston Street,
Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, the application for the identification of yourself and daughter, Virginia Garnand, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

No. 2798

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *Lou Garnand*

Age *51* Blood *1/16*

Post Office, *Sherman Texas*

Father: *Levi Brashears (dead)*
812 Houston St.

Mother *Permelia*

Claims through *father*
husband *Adam Garnand*
(no claim for him)

Children:

Virginia Garnand 17

Claims for self and one
minor child

Stenographer

Henry G. Hains

USED

Lou Garnaud et al.

DECISION RE 10-990

FEB 10 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 10 1903

FOR THE CHICKASAW NATIONS

FEB 10 1903

RECORDS DEPARTMENT

FEB 10 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 1 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 2 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 2 1906

REFER TO M. G. R. 2799

DECISION PREPARED

CHOCTAW MCR 2799

MARGRET PITTS

MCR 2799

See MCR 3234, 2797, 2800
3203, 2712, 2798, 2801, 2807, 2804
2802, 2803, 2805, 2806

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margret Pitts, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:-

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garmand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garmand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

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**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Margret Pitts, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of -

Margret Pitts,	M. C. R. 2709
Will Pitts,	M. C. R. 2234
John G. Brashers,	M. C. R. 2707
Mary Hanson,	M. C. R. 2200
Levi Brashers, et al.,	M. C. R. 2203
James Brashers, et al.,	M. C. R. 2712
Lee Garmond, et al.,	M. C. R. 2708
May Gibson, et al.,	M. C. R. 2201
Ethel Garmond,	M. C. R. 2207

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2799.

In the matter of the application of Margret Pitts for identification as a Mississippi Choctaw.

Margret Pitts having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Margret Pitts.
Q What is your age? A Sixty-one.
Q What is your post-office address? A Sherman, Texas.
Q Have you a street number? A #131 Hazelwood Street.
Q How long have you lived in Sherman? A In and around Sherman twenty five years.
Q Where did you live before that? A In Missouri.
Q How long did you live in Missouri? A About thirty or twenty-eight years; I was born in Kentucky and lived there until I was six years old.
Q You lived in Kentucky til you were six years old, then went to Missouri and lived there continuously till you moved to Texas about twenty-five years ago? A Yes.
Q And have lived in Texas continuously ever since? A Yes.
Q What is your father's name? A Levi Brashears.
Q Is he living? A No.
Q What is your mother's name? A Permellia Brashears.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No, not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A James H. Pitts.
Q Is he living? A Yes.
Q Do you make application on behalf of your husband? A No.
Q He is a white man and claims no Indian blood? A Yes.
Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to apply at this time? A No.
Q Are you making application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application you have ever made? A Yes.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
Q Do you claim your right as a beneficiary under the provisions of

Margret Pitts---2

the fourteenth article of the treaty of 1830? A I don't know; 1830 or 1836.

Q The Commission has authority to identify only those who claim under the fourteenth article of the treaty of 1830; you claim under this article, do you? A Yes, 1830.

Q Do you claim under this fourteenth article I read a few moments ago; you heard that article read didn't you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as a Choctaw Indian? A No.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A My grandfather; John Brashears.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe at that time? A I don't know.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838?

Q Not that I knew of.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of your application at this time? A No.

Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of deeds or records, or any proper papers, or patents, showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Just these.

Written application of Margret Pitts offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards, offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Q Do you want time in which to file additional evidence in support of this claim? A No.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white woman.

Henry G. Mains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, on July 2,

Report of the

1881, and that the above and foregoing is a full, true and correct
transcript of his stenographic notes as said to be in said sense.

Henry J. Haine

Subscribed and sworn to before me this 18th day of July, 1881.

Wm. H. Haine
Notary Public

COPY.

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--6--

In the matter of the application of Margret Pitts, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
Ray Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2808
Minnie Rainwaters,	M.C.R. 2806

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Margret Pitts for herself; by Bill Pitts for himself; by John O. Brashears for himself; by Mary Hanson for herself; by Levi Brashears for himself, his wife, Ida Evaline, and his four minor children, Nina, Ralph, Dot and Gladys Brashears; by James Brashears

for himself and his two minor children, Sinclair and Simeon Brashears; by Lou Garnand for herself and her minor child, Virginia Garnand; by May Gibson for herself and her three minor children, Leonard, Glen and Jewel Gibson; by Mary Garnand for her minor child, Ethel Garnand; by Maggie Brashears for herself and her two minor children, Sinclair and Simeon Brashears; by Thomas J. Rainwater for himself; by Bob Jones for his two minor children, Leon and Roy Jones; by Ellen White for herself; and by Minnie Rainwaters for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of the applicants in M.C.R. 2799, M.C.R. 3234, M.C.R. 2797, M.C.R. 2800, the principal applicants in M.C.R. 3203 and M.C.R. 2712, all the applicants in M.C.R. 2798, M.C.R. 2801, and the applicant in M.C.R. 2807, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Brashears (or Brashear), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty; that the principal applicant in M.C.R. 2804, all the applicants in M.C.R. 2802, M.C.R. 2803, M.C.R. 2805, M.C.R. 2806, and Ida Evaline Brashears, applied for in M.C.R. 3203, claim said rights by reason of being descendants of Abe Rainwater, who is alleged to have been a full blood Choctaw Indian, and to have re-

sided in Mississippi in eighteen hundred and thirty; that the minor applicants applied for in M.C.R. 3203 and M.C.R. 2712 (the latter also applied for in M.C.R. 2804), claim said rights by reason of being descendants of John Brashears (or Brashear) and Abe Rainwater.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted Court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Brashears (or Brashear), or Abe Rainwater, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon

Brashers, Lou Gernand, Virginia Gernand, Ray Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Gernand, Maggie Brashers, Thomas J. Rainwater, Eben Jones, Ray Jones, Ellen White and Minnie Rainwaters, as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 10 1903

COPY.

Muskogee, Indian Territory, February 10, 1903.

Margret Pitts,
151 Haslewood Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

Margret Pitts, -2

necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the commissioner of Indian Affairs.

Respectfully,

Tame Dixie.
Acting Chairman.

Registered.

M.C.R. 2799

COPY

Muskogee, Indian Territory, February 10, 1903.

Mansfield, Mc Murray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Leu Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears,

M., McM. & Co.,-2

Sinclair Brashears, Simon Brashears, Len Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, February 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Margret Pitts, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 10, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Margret Pitts	M.C.R. 2799
Bill Pitts	M.C.R. 3234
John O. Brashears	M.C.R. 2797
Mary Hanson	M.C.R. 2800
Levi Brashears, et al.	M.C.R. 2803
James Brashears, et al.	M.C.R. 2712
Lou Garnand, et al.	M.C.R. 2798
May Gibson, et al.	M.C.R. 2801
Ethel Garnand	M.C.R. 2807
Maggie Brashears, et al.	M.C.R. 2804
Thomas J. Rainwater	M.C.R. 2802
Leon Jones, et al.	M.C.R. 2805
Ellen White	M.C.R. 2805
Minnie Rainwaters	M.C.R. 2806

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by

Hon. Sec. Int., —

letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(SIGNED)

Tamie Bixby
Chairman.

Through the
Commissioner of Indian Affairs.

2 Inclosures: M.C.R. 3799

Land.
13892-1905.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith, for Departmental action, a report of the Commission to the Five Civilized Tribes, dated February 26, 1903, transmitting therewith the record in the consolidated cases of

Margret Pitts	M.C.R.2799
Bill Pitts	M.C.R.3234
John O. Brashears	M.C.R.2797
Mary Hansen	M.C.R. 2800
Levi Brashears et al	M.C.R.3203
James Brashears et al	M.C.R.2718
Lou Garmand et al	M.C.R.2798
May Gibson et al	M.C.R.2801
Ethel Garmand	M.C.R.2807
Maggie Brashears et al	M.C.R.2804
Thomas J. Rainwater	M.C.R.2802
Leen Jones et al	M.C.R.2803

Ellen White

M.C.R.2803

Minnie Thomas

M.C.R.2806,

including the decision of the Commission of February 10, 1903, in the above consolidated cases refusing to identify any of the several applicants therein as Mississippi Choctaw Indians.

Applicants, Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears for himself and his four minor children, Nina, Ralph, Dot and Gladys Brashears; James Brashears for himself and his two minor children, Sinclair and Simeon Brashear; Lou Garnand for herself and her minor child, Virginia Garnand; May Gibson for herself and her three minor children, Leonard, Glen and Jewel Gibson; Mary Garnand for her minor child, Ethel Garnand; claim rights in the Choctaw lands under Article 14 of the Treaty of 1830 by reason of being descendants of one John Brashears (or Brashear) an alleged Choctaw Indian, degree of blood not positively stated, who is alleged to have resided in Mississippi in 1830, and applicants, Maggie Brashears for herself and her two minor children, Sinclair and Simeon Brashears; Thomas Rainwater; Bob Jones for his two minor children, Leon and Roy Jones; Ellen White; Minnie Thomas nee Rainwater, and Ida Evaline Brashears claim said rights by reason of being descendants of one Abe Rainwater, who is alleged to have been a full blood Choctaw In-

dian and to have resided in Mississippi in 1830. Minor applicants, Nina, Ralph, Dot and Gladys Brashears, also Sinclair and Simeon Brashears claim said rights by reason of being descendants through their father and mother of both the said John Brashears (or Brashear) and the said Abe Rainwater.

It further appears from the evidence and the record before the Commission that none of said applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321). A careful examination of the records of this office fails to disclose the names of either John Brashears (or Brashear) or that of his son, Levi Brashears, nor the names of either Abe Rainwater or that of his son, Zeb Rainwater, (the different ancestors through whom the aforesaid applicants claim descent) as among the names of those Choctaw Indians who complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830 or who received land thereunder or scrip under subsequent legislation relative thereto. It is therefore the opinion of this office that the evidence is insufficient to determine the identity of any one of the

aforesaid applicants as Choctaw Indians entitled to rights under the provisions of Article 14 of the Treaty of 1830, and I therefore recommend that the decision of the Commission of February 10, 1903, refusing to identify the aforesaid applicants as Mississippi Choctaw Indians be affirmed.

Very respectfully,

(Signed) A.C. Tonner,

Acting Commissioner.

OR

COPY.
JWH
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.6150-1904.
D.C.2854-1906.

January 18, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 26, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for identification as Mississippi Choctaws of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears et al., James Brashears et al., Lou Garnand et al., May Gibson et al., Ethel Garnand, Maggie Brashears et al., Thomas J. Rainwater, Leon Jones et al., Ellen White, and Minnie Rainwaters.

Reporting July 29, 1904, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision, dated February 10, 1903, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

1 Inclosure.

MOR-2799

COPY.

Muskogee, Indian Territory, January 25, 1906.

Margret Pitts,

131 Hazlowood Street,

Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

W. O. Beall
~~James B. Beall~~

Acting Commissioner.

MOR 2799

COPY.

Muskogee, Indian Territory, January 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of Departmental letter of January 18, 1906 (I T D 6150-1904,) accompanied by the report of the Acting Commissioner of Indian Affairs (Land 13892-1903), affirming the decision of the Commission to the Five Civilized Tribes rendered February 10, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Margret Pitts, et al.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

MOM 85/4

mer
2799

Margret Brashears 61- $\frac{1}{16}$

mar

James H. Pitts
w

mer
3234

Bill Pitts 40- $\frac{1}{32}$

mer
2797 orig. O.

John O. Brashears 53- $\frac{1}{16}$

mer
2800

Mary Brashears 48- $\frac{1}{16}$

mar

Hanson

John Brashears 3- $\frac{1}{4}$

Levi Brashears 32
dead

mar

Permelia Johnson
w
(or Amelia)
(or Phermelia)

mer
3200

Levi Brashears 46- $\frac{1}{16}$

mar

+ Ida Evaline Rainwater 33- $\frac{1}{16}$

+ Claims for wife by blood.
See mer 2804

mer
3203

Nina Brashears 8

" Ralph " 5

" Dot " 3

" Gladys " 1

mer
2712

James Brashears 44- $\frac{1}{16}$
(or J.S.)

mar

+ Maggie Rainwater $\frac{1}{16}$
(or Margaret ")

mer
2712

Sinclair Brashears 16

" Simeon " 14

+ William Rainwater (69)
Mary Rainwater - claimant
father was Ted Rainwater, whose
wife was Sarah + Ted's father - Abe Rainwater
is alleged to have been full blood.

& applied herself: mer 2804.

Consolidated Cases
of
Margaret Pitts

2799

Card No.	NAME	RESIDENCE COUNTY	POST OFFICE	Age	Sex
----------	------	---------------------	-------------	-----	-----

(2-)

^{mer}
2797
Lou Brashear 51- $\frac{1}{2}$
mar-

Adam Garnaud
w

^{mer}
2798
Virginia Garnaud, 7

^{mer}
2800
May Garnaud 21- $\frac{1}{32}$
mar
Will Gibson w.

^{mer}
2801
Leonard Gibson, 5
Glen .. 3
Jewel .. 1

James Garnaud 32
dead
wife
Mary Garnaud 30
w

^{mer}
2807
Ethel Garnaud 7- $\frac{1}{64}$

John Brashear 34 or 35

Levi Brashear 82
dead
mar
Permelia Johnson
w

Leo Garnaud
mar
William H.C. Greer

see 2711 Leo supplied for by her husband.

~~Consolidated~~ Case
of

~~George W. Davis et al.~~

2799

~~1101~~

Consolidated Case

~~Interstate~~

~~Maggie Brachman et al.~~

Margaret Pitts et al.

CARD NO.	NAME	RESIDENCE	COUNTY	POST OFFICE	AGE	SEX
----------	------	-----------	--------	-------------	-----	-----

Abe Rainwater (ff?) Zed Rainwater (ff?) William Rainwater (ff?)
 (on William A. ")
 wife
 Mary Rainwater

*Tramont, Minnie Rainwater was by
 decree of court restored to applicant.

cc 3203: applied for by her husband.

Sallie A. Rainwater ^{mer} 2893 ^{dead} Leon Jones 19- $\frac{1}{16}$
 mar ^{mer} 2804 ^{dead} Roy Jones 17- $\frac{1}{16}$
 (on R. W. ")
 Maggie Rainwater 37- $\frac{1}{16}$
 mar
 + James Brashears
 + See 2712
 where husband
 applies for himself.
 mer 2805 Ellen Rainwater 28- $\frac{1}{16}$
 mar
 John White ^{dead}
 mer 2806 Minnie Rainwater 25- $\frac{1}{16}$
 mar
 George Thomas
 (on R. W.) + separated
 mer 2807 Thomas J. Rainwater 23- $\frac{1}{16}$
 mar
 Ida Evaline Rainwater
 Levi Brashears

No.

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Margaret Pitts

Age 61 Blood 1/16

Post Office, Sherman, Texas

138 Maplewood St.
Father: Levi Brashears (dead)

Mother: Oremelia "

Claims through father
husband James M. Pitts
(no claim for him)

~~Children:~~

Claims for herself alone

Stenographer

Henry H. Harris

CHOCTAW MCR 2800

MARY HANSON

MCR 2800

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2900.

In the matter of the application of Mrs. Mary Hansen for identification as a Mississippi Choctaw.

Mrs. Mary Hansen being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mrs. Mary Hansen.
- Q What is your age? A Forty-eight.
- Q What is your post-office address? A Sherman, Texas, #900 N. Cherry St.
- Q How long have you lived in Sherman? A I have lived in Sherman and the vicinity for about twenty-five years.
- Q Where did you live before that? A I was born and raised in Missouri, Platte County, Missouri.
- Q And lived there until you came to Texas? A Yes.
- Q What is your father's name? A Levi Brashears.
- Q Is he living? A No.
- Q What is your mother's name? A Fernelia Brashears.
- Q Is she living? A Yes.
- Q Through which one of your parents do you derive your Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Are you married? A I am a widow; have been for twenty-five years.
- Q Have you any children? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A I have not.
- Q Did you or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 16, 1896? A We didn't.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A I have not.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A I have not.
- Q Is this the first application of any description you have ever made? A Yes; it is.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A It is.
- Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A 1830- yes.
- Q You heard that article read? A Yes, I heard it read; I got part of it, but the baby was making such a noise I didn't get all.
- Q Well, I will read it again; article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to

Mary Hanson---2

remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be living with him under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Have you ever received any benefits as a Choctaw citizen? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not to my knowledge.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was entered into between the

United States and the Choctaw tribe of Indians? A Well, my ancestors my grandfather, the best I know, his name was John Brashears. And it is claimed that he was a Choctaw Indian; and there is all the evidence I have. (Showing documents that are afterwards presented.)

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838?

A I think not.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Are there any additional arguments or statements you desire to make in support of your application? A I would like thirty days.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A I have no papers of any kind of my father's papers backwards; they were all destroyed.

Q You want to file these papers here? A Yes.

Written application of Mary Hanson offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

On request of applicant, thirty days time is allowed in which to file any additional evidence in support of this case.

Nary Haines--3

The decision of the Commission as to your application for identification as a Mississippi Shuteau will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 11st. Section of the Act of Congress of June 20, 1890, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white woman.

Henry G. Hains being duly sworn on his oath stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July, 1901.

R. H. Linebaugh,
Notary Public

M.C.R. 2800

COPY.

Muskogee, Indian Territory, February 10, 1903.

Mary Hansen,
908 E. Cherry Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Leu Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leen Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Mary Hansen, -2

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Margaret Pitts, Bill Pitts, John O. Brashears, Mary Hansen, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby
Acting Chairman.

Registered.

MCR-2800

COPY.

Muskogee, Indian Territory, January 25, 1906.

Mary Hanson,

908 East Cherry Street,

Shorman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

No. 2800

For Identification as a Mississippi Choctaw.

Date **JUL 2-** 1901

Name *Mary Harrison*

Age *45* Blood *1/16*

Post Office, *Sherman, Texas*

Father: *Levi Harrison (dead)*

Mother: *Armelia*

Claims through *father*

~~Children:~~

Claims for herself alone

Stenographer

Henry G. Haine

REFUSED

INVESTIGATION AS
A MISSISSIPPI CHOCTAW

Mary Hanson

ON 10 20

10 10 1906

10 10 1906

10 10 1906

10 10 1906

10 10 1906

10 10 1906

10 10 1906

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 20 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARD TO THE

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARD TO THE
AND CHIEF OF BUREAU

JAN 25 1906

REFERENCE

DECISION PREPARED

CHOCTAW MCR 2801

MAY GIBSON

MCR 2801

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1902.

2082.

In the matter of the application of Mrs May Gibson for the identification of herself and her three minor children as Mississippi Choctaws.

Mrs. May Gibson having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mrs. May Gibson.
Q What is your age? A Twenty-one.
Q What is your post-office address? A Sherman Texas; I have no street number.
Q How long have you lived in Sherman? A I was raised there.
Q Were you born in Texas? A Yes.
Q And have lived there continuously all your life? A Yes.
Q What is your father's name? A Adam Gernand.
Q Is he living? A Yes.
Q What is your mother's name? A Lou Gernand.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Will Gibson.
Q Do you make application on behalf of your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes; three.
Q Give the names and ages. A Leonard Gibson, five; Glen Gibson, (boy), three; Jewel Gibson, (Girl), one.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Will Gibson.
Q When and where were you married to him? A Sherman, Texas, May 12, 1895.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of that tribe? A No.
Q Did you or did any one for you in 1896 or for your children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw nation? A No.

May Gibson--2

Q Is this the first application you have ever made of any kind?

A Yes.

Q Is it now your purpose to make application for identification as Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A 1830; yes.

Q You are familiar with the provisions of that article? A Yes, I think I am; I just heard them read.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A John Brashears.

Q What relation was he to you? A My great-grandfather.

Q Have you any evidence that he was a recognized member of the Choctaw tribe at that time? A No, only what has been told me.

Q Did this ancestor if a Choctaw Indian remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A Not as I know of.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever received or claimed any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No one as I know of.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Yes.

Written application of May Gibson offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant marked Exhibit "C", filed and made a part of the record in this case.

Q Do you want time in which to file additional evidence in support of your application? A Yes I would like thirty days.

Thirty days time is allowed applicant in which to file additional evidence in support of his claim.

The decision of the Commission as to your application for the identification of yourself and your minor children will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the fourteenth 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Exhibit 1

This applicant is apparently a white woman.

Henry G. Hains being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported, in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 18 day of July, 1901.

R. H. Linsbaugh,
Notary Public.

M.C.R. 2801

COPY

Muskogee, Indian Territory, February 10, 1903.

May Gibson,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

May Gibson, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hansen, Levi Brashears, Ida Evaline Brashears, Vina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixie.

Acting Chairman.

Registered.

MOR-2801

COPY.

Muskogee, Indian Territory, January 25, 1906.

May Gibson,

Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, the application for the identification of yourself and minor children, Leonard, Glen and Jewel Gibson, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

No. 2801

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *May Gibson*

Age *21* Blood *1/32*

Post Office, *Sherman Texas*

Father: *Adam Garnand*

Mother: *Lou*

Claims through *mother*
husband: *Will Gibson*
(*no claim for him*)

Children:

Leonard Gibson *6*

Glen " *M 3*

Jewel " *F 1*

Claims for herself and
3 minor children

Stenographer

Henry G. Hains

APPROVED AS
A MISSISSIPPI CHOCTAW
REFUSED

May Gibson et al.

DEPT. OF INTERIOR

FEB 10 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 10 1903

NO. 100 OF DEPARTMENTAL ACTION
FOR CHOCTAW AND MISSISSIPPI

FEB 10 1903

RECORD FORWARDED DEPARTMENT

FEB 26 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 18 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED DEPARTMENT CHOCTAW

JAN 25 1906

REFER. NO. 2799

DECISION RETAINED

CHOCTAW MCR 2802

THOMAS J. RAINWATER

MCR 2802

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2002.

In the matter of the application of Thomas J. Rainwater for identification as a Mississippi Choctaw.

Thomas J. Rainwater having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. Rainwater.
Q What is your age? A Twenty-three
Q What is your post-office address? A Sherman Texas; no street number.
Q How long have you lived at Sherman? A About four years.
Q Where did you live before that? A Itasca, Texas.
Q How long have you lived in Texas? A Twenty-two years.
Q Where did you live before you lived in Texas? A Kansas.
Q Were you born in Kansas? A Yes.
Q And lived there until you moved to Texas? A Yes.
Q What is your father's name? A William H. Rainwater.
Q Is he living? A No.
Q What is your mother's name? A Mary A. Rainwater.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been ~~xxxx~~ admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q This is the first application you have ever made of any description? A Yes.
Q Is it now your purpose to make application now for identification as a Mississippi Choctaw? A Yes.
Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.
Q Are you familiar with the provisions of that article? A No, not exactly.
Q But you just heard it read, didn't you? A Yes.
Q Have you ever received any benefits as a Choctaw Indian? A No.
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Thos. J. Rainwater---8

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe? A I don't know any further back than my grandfather, Zed Rainwater.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe at that time? A No, nothing more than what my folks always told me.

Q Did this ancestor, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1836? A I don't know.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Not as I know of.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits written evidence of any kind, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.

Q You have no papers you want to file? A Yes, I have papers too.

Written application of Thomas J. Rainwater offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Q Do you want time in which to offer additional evidence in support of your application? A I think not.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 26, 1896, and a copy of the same be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white man.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July 1901.

W. H. Linsbaugh
Notary Public

M.C.R. 2802

COPY.

Muskogee, Indian Territory, February 10, 1903.

Thomas J. Rainwater,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Thomas J. Rainwater, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Det Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Larns Dixby.

Acting Chairman.

Registered.

MOR-2802

COPY.

Muskogee, Indian Territory, January 25, 1906.

Thomas J. Rainwater,
Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

W. O. Beall
Acting Commissioner.

No. 2802

For Identification as a Mississippi Choctaw.

Date **JUL 2- 1901**

Name *Thomas J. Rainwater*

Age *23* Blood *1/6*

Post Office, *Sherman, Texas*

Father: *Am. N. Rainwater (dead)*

Mother: *Mary A.*

Claims through *father*

~~Children:~~

Claims for self alone.

Stenographer

Henry B. Hains

REFUSED

Thomas J. Rainwater

RECEIVED

FEB 10 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 10 1903

NOTICE OF DECISION MAILED APPLICANT
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 10 1903

RECORDS DEPARTMENT

FEB 26 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 19 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS

JAN 25 1906

REFER TO M. C. R. 2799

DECISION PREPARED

CHOCTAW MCR 2803

LEON JONES

MCR 2803

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2803.

In the matter of the application of Bob Jones for the identification of his two minor children as Mississippi Choctaws.

Bob Jones having been first duly sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Bob Jones.
Q What is your age? A Forty-four.
Q What is your post-office address? A Sherman, Texas, 211 South Travis St.
Q How long have you lived in Texas? A All my life.
Q Were you born there? A Yes.
Q Never have had a residence anywhere else? A No.
Q What is your father's name? A John Jones.
Q Is he living? A No.
Q What is your mother's name? A Amanda Jones.
Q Is she living? A No.
Q Through which one of your parents do you derive your Choctaw blood? A Why, I am making application for my children only; I am not making any application personally.
Q Your children claim through their mother? A Yes.
Q Is their mother dead? A Yes.
Q What are the names of these children? A Leen Jones, nineteen; Roy Jones, seventeen.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Sallie Rainwater; it is Sallie Jones after she married.
Q She is dead, you say? A Yes.
Q How long has she been dead? A She died in 1886.
Q How much Choctaw blood do you claim for your children? A Well, I declare I would have to refer to my application; I am not sure. One sixteenth I suppose it is.
Q Their mother claimed an eighth? A No, their mother claimed an sixteenth- no, that's right, their mother claimed an eighth.
Q Has the mother of these children ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are the names of these children on any of the Choctaw tribal rolls of the ~~tribe~~ Choctaw Nation in the Indian Territory? A No.
Q When and where were you married to Sallie Jones? A At Sherman, in '81.
Q Did you obtain a license to marry? A Yes.
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I have the marriage certificate issued by the County Clerk.
Q Do you desire to offer same in evidence? A Yes, I presume so.
Q Has application ever been made to the Choctaw tribal authorities in the Indian Territory for these children to be enrolled as members of that tribe? A No.
Q Did you or any one else for them in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A They have not?

Bob Jones---2

Have you ever made application prior to this time for your children to either the Choctaw tribal authorities or the authorities of the United States for your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Or that has ever been made for the children? A Yes.

Q Is it now your purpose to make application for the identification of these children as Mississippi Choctaws? A Yes.

Q Do you claim your right for them as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I believe so; there is 1830 and 1866- I don't know whether under any special treaty or not-

The Commission has authority to identify only people who claim under the provisions of the fourteenth article of the treaty of 1830.

Q Have these children ever received any benefits as Choctaw Indians? A No.

Q Have any of their ancestors ever received any benefits as Choctaw Indians? A I believe not; not to my knowledge.

Q What was the name of their ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I believe it was under Red Rainwater.

Q He was their great-grandfather? A Yes.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians at that time? A Except these papers; that's all.

Q Did he, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I would like to ask a question; Would a declaration made by William Rainwater be permissible or not?

Q Who was William Rainwater? A Their grandfather.

Q You may state what you know. A Well, he made the statement to me he was part Choctaw and had been in Mississippi and had been among the Choctaw Indians that remained there.

Q You think then, that his great-grandfather of your children did not come West? A No.

Q If he did not remove with the other members of the tribe did he, within six months after the ratification of this treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I really don't know.

Q Have any of the ancestors of your children ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Are there any additional statements you desire to make in support of this application? A No, I think not.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents or any proper papers showing that your ancestors of these children were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that

Bob Jones—3

treaty? A No, I have these papers that's all.

Written application of Bob Jones offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards, offered in evidence by applicant, marked Exhibit "B", filed and made a part of the records in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case; certified copy of marriage license and certificate between R.W. Jones and Gallie Rainwater offered in evidence by applicant marked Exhibit "D", filed and made a part of the record in this case.

Q You are the identical R.W. Jones referred to in this marriage license and certificate? A Yes.

Q That "R" stands for Robert and you are in the habit of being called and signing your name "Bob"? A Yes.

Q Do you want time in which to file additional evidence? A No.

The decision of the Commission as to your application for the identification of your two minor children as Mississippi Cherokees will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the Indian 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white man; makes no claim for himself but claims for his children through their mother.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July 1901.

R. H. Linebaugh
Notary Public

M.C.R. 2803

COPY.

Muskogee, Indian Territory, February 10, 1903.

Bob Jones,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3205
James Brashears, et al.,	M.C.R. 2712
Lou Gernand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Gernand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Bob Jones, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Det Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Len Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamie Dixby

Acting Chairman.

Registered.

MCR-2803

COPY.

Muskogee, Indian Territory, January 25, 1906.

Loon Jones,

Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, the application for the identification of yourself and brother, Roy Jones, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *W. O. Beall*
Acting Commissioner.

No. 2803

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Bob Jones

Age 44

Blood

(Children 1/6)

Post Office, Sherman, Texas

Father: John Jones (dead)

Mother: Amanda Jones (dead)

Claims through

Children:

Leon Jones 19 1/6

Roy " 17 1/6

Children claim through mother

Mother: Dallis Jones (dead)

Claims for two children

Stenographer

Henry G. Hains

REFUSED

FOR CERTIFICATION AS
A MISSISSIPPI CHOCTAW.

2803

Leon Jones, et al.

DECISION

FEB 10 1903

NOTICE OF DECISION

FEB 10 1903

NOTICE OF DECISION MADE AT
FOR CHOCTAW AND MISSISSIPPI CHOCTAW NATIONS.

FEB 10 1903

RECORDS FORWARDED TO DEPARTMENT

FEB 26 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 18 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO AGENTS FOR CHOCTAW
AND MISSISSIPPI CHOCTAW NATIONS.

JAN 25 1906

REFER TO A.C.R.

DECISION PREPARED

CHOCTAW MCR 2804

MAGGIE BRASHEARS

MCR 2804

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Maggie Brashears, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Maggie Brashears, et al	M.C.N. 2804
Thomas J. Rainwater	" 2802
Leon Jones, et al	" 2803
Ellen White	" 2805
Minnie Rainwaters	" 2806

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Maggie Brashears, et al.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2564 On the matter of the application of Maggie Brashears for the identification of herself and her two minor children, as Mississippi Choctaws.

Maggie Brashears being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Maggie Brashears..
Q What is your age? A Thirty-seven.
Q What is your post-office address? A Sherman, #800 E. Jones St.
Q How long have you lived at Sherman? A Nineteen years.
Q Where did you live before? A I came from Kansas to Texas.
Q How long did you live in Kansas? A About one year; I came from Arkansas to Kansas.
Q Where were you born? A In Mississippi.
Q How old were you when you left Mississippi? A About two years old
Q Where did you go to then? A From there I went to Texas and from Texas to Arkansas and from Arkansas to Kansas.
Q How long were you in Arkansas? A About six years.
Q And you have lived in Texas ever since you came from Kansas? A Yes.
Q What is your father's name? A William Rainwater.
Q Is he living? A No.
Q What is your mother's name? A Mary Rainwater.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A James Brashears.
Q Is he living? A Yes.
Q Do you make application on behalf of your husband? A No.
Q Does your husband make any claim to Choctaw blood? A Yes.
Q He has already made application for himself? A Yes.

The records of the Commission show that James Brashears, husband of this applicant, and the names of his two children, Sinclair and Simeon, appear on Mississippi Choctaw card 2712.

- Q At the time your husband made application before the Commission he applied for the identification of your children? A Yes.
Q So, of course, you don't care to apply for them? A Yes.

Applicant desires also to make application for her two children, for whom her husband already made application when he appeared before the Commission.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application prior to the Choctaw tribal authorities in the Indian Territory for enrollment as a member of that tribe? A No.
Q Did you or did any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by

Maggie Brashears---2

either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizen of the Choctaw nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes; I wish the full benefits of the treaty of 1830 and 1866.

Q This Commission is only authorized to identify those Choctaws who claim under the fourteenth article of the treaty of 1830: do you claim under this article? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A My great-grandfather was named Abe Rainwater.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians at that time? A No.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Not that I know of.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain and become a citizen of the United States? A Not that I know of.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, not that I know of.

Q Are there any further statements that you wish to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Not now; no.

Q Have you any papers? A Yes; some affidavits.

Written application of Maggie Brashears offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; affidavit of Tobias Edwards, marked Exhibit "B", filed and made a part of the record; affidavit of John Lewis offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Q Do you wish any time in which to furnish any further evidence?
A Yes.

Thirty days time is allowed applicant in which to furnish additional evidence in support of her case.

Mississippi

The decision of the Commission as to your application for the identification of yourself and your minor children within an Mississippi Shoshone will be determined at the earliest possible date and report of the same be made to the Secretary of the Interior, conformable to the provisions of the Smithsonian Act. Section of the Act of Congress of June 25, 1907, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a white woman.

Henry G. Haine being duly sworn in his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1902, and that above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 18 day of July, 1902;

W. H. Linebaugh
Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, La. To June 26, 1901.

2712

In the matter of the application of James Brashears for the identification of himself and his minor children as Mississippi Choctaws.

James Brashears being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James Brashears.
Q What is your age? A Forty-four.
Q What is your post-office address? A Sherman, #800 E. Jones St.
Q How long have you lived there? A I have lived there about 25 years.
Q Where did you live before? A In Missouri.
Q How long did you live in Missouri? A I was born and raised in Missouri.
Q And lived there until you moved to Texas? A Yes.
Q What is your father's name? A Levi Brashears.
Q Is he living? A He is dead.
Q What is your Mother's name? A Amelia Brashears
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood. A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the Authorities of the United States?
Q Not that I know of; No.
Q Are you married? A No, oh, yes.
Q What is your wife's name? A Margaret Brashears.
Q Is she living? A Yes.
Q Do you make application on behalf of your wife? A No, I make application for myself and two children; she will make application for herself.
Q She is a Choctaw Indian? A Yes, she is a Mississippi Choctaw.
Q How much Choctaw blood does she claim? A I don't know, exactly, but she will be over here- well she would be about 1/16, I suppose, that would be merely a guess with me, you know- I figure that from what her father always claimed.
Q Have you children in your family under twenty-one and unmarried?
A Yes I have two; the oldest one is Sinclair, 16; the other is Simeon 14.
Q You are the father of these children? A Yes.
Q What is the mother's name? A Margaret Brashears.
Q Did you obtain a license to marry? A Yes.
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
Q Have you your marriage license? A Nor here I have them at home.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application for your minor children.

A I will get them.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgement of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A I have not.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you, claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Under what provision of law do you claim? A 1830 or 1866; I don't know much about the articles.

Q Do you claim under both then? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A John Brashears.

Q What relation was he to you? A My grandfather.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe at that time? A Yes.

Q If he was a Choctaw Indian, did he remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama and to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? Well A I don't know, he moved from Mississippi to Kentucky.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Not that I know of.

Q Have any of your ancestors ever claimed or received any benefits any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 A Not that I know of.

Q Are there any additional statements you desire to make in support of this application? A Yes, I have some here; that is all I have now. I will get more.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Well, these I have; yes.

James Brashears--3

Written application of James Brashears offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; affidavit of John Lewis, marked Exhibit "B", filed and made a part of the record in this case; affidavit of Tobias Edwards offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Q You said you wanted more time? A Yes, just as much-

Thirty days time is allowed applicant in which to file additional evidence in support of his claim.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant apparently a white man.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above cause on June 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July, 1901.

(SEAL)

D. H. Linebaugh
Notary Public.

I hereby certify that the above and foregoing is a true and correct copy of the original testimony of said James Brashears taken on said 26th day of June, 1901, now in the possession of the Commission to the Five Civilized Tribes, as shown to me this date.

Muskogee, Indian Territory.

August 13, 1902.

(SEAL)

Harley G. Renter
Notary Public.

Muskogee, Indian Territory, February 10, 1903.

Maggie Brashears,
800 E. Jones Street,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Maggie Brashears, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hansen, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Registered.

MOR-2804

COPY.

Muskogee, Indian Territory, January 25, 1906.

Maggie Brashears,

800 East Jones Street,

Sherman, Texas.

Dear Madam:

~~You are hereby notified that the Secretary of the Interior,~~
on January 18, 1906, affirmed the decision of the Commission to the
Five Civilized Tribes of February 10, 1903, refusing the applica-
tions of the several persons included in the consolidated Missis-
sippi Choctaw case of Margret Pitts, et al., of which, your ap-
plication for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *W. O. Beall*
Acting Commissioner.

No. 2804

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *Maggie Brashears*

Age *37* Blood *1/16*

Post Office, *Sherman, Texas*

Father: *800 E Jones St*
William Rainwater

Mother: *Mary Rainwater*

Claims through *father*
husband: *James Brashears*
No claim for him

Claims for self alone

Children:

The husband of this applicant, James Brashears, appeared before the Commission at Atoka, I. T. June 26, 1901, and made application for identification of himself and their two minor children, Sinclair and Dinicon. In MCR #2712

Stenographer

Henry G. Harris

Maggie Brashear

Notice

DO NOT

FEB 11 1906

NOTICE OF

FEB 10 1906

NOTICE OF THE

FEB 10 1906

NOTICE OF

FEB 9 1906

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 18 1906

NOTICE OF

JAN 25 1906

NOTICE OF

JAN 25 1906

REFERS TO

CHOCTAW MCR 2805

ELLEN WHITE

MCR 2805

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2805

In the matter of the application of Ellen White for identification as a Mississippi Choctaw.

Ellen White having been duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen White.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Sherman, Texas; no street number.
Q How long have you lived at Sherman? A Four years.
Q Where did you live before that? A Itasca, middle Texas.
Q How long have you lived in Texas? A About twenty-two years.
Q Where did you live before that? A Kansas.
Q How long did you live in Kansas? A Five years I guess.
Q Where did you live before you lived in Kansas? A Arkansas.
Q How long did you live in Arkansas? A I was born in Arkansas.
Q And lived there until you moved to Kansas? A Yes.
Q And from Kansas you went to Texas and have lived there ever since? A Yes.
Q What is your father's name? A William Rainwater.
Q Is he living? A No.
Q What is your mother's name? A Mary Rainwater.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not as I knew of.
Q Are you married? A Have been.
Q Your husband is dead? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
~~Spokane you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the authorities of the United States to have admitted or enrolled as a citizen of the Choctaw Nation?~~
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Is this the first application you have ever made of any description? A Yes.

Ellen White---2

Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes; from 1830 to 1866.

Q Do you claim under the fourteenth article of the treaty of 1830?

A That is the 1830 and the 1866 is it?

Q Well, the treaty of 1830 is one treaty and that of 1866 is another treaty. The Commission is authorized only to identify those Choctaw Indians who claim under the fourteenth article of the treaty of 1830. Then you claim under the fourteenth article of the treaty of 1830? A 1830 and 1866.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the old Choctaw Nation in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Grandfather, Zed Rainwater, and Abe my great-grandfather.

Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A A Yes.

Application of Ellen White offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Q Do you wish any time in which to file any further evidence in support of this application? A I don't care.

Q Well, do you mean that you want it? A I believe you might give me thirty days.

Thirty days time is allowed applicant in which to file additional evidence in support of her claim.

Ellen White--3

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 11st. section of the Act of Congress of June 22, 1908, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white woman.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July, 1901.

R. W. Linebaugh.

Notary Public.

M.C.R. 2805

COPY.

Muskogee, Indian Territory, February 10, 1903.

Ellen White,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Leu Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Ellen White, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

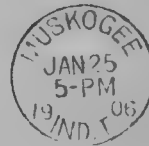
(SIGNED).

Tams Dixey.

Acting Chairman.

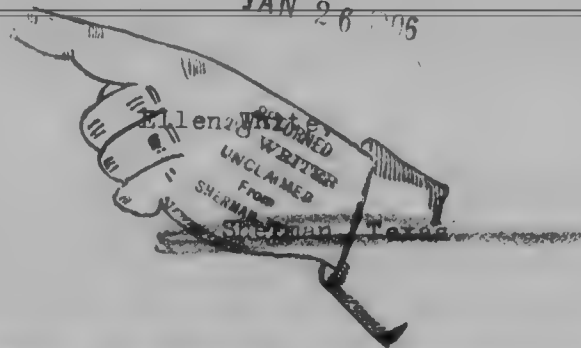
Registered.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



JAN 26 1906

2805



REFER IN REPLY TO THE FOLLOWING

MOB-2205

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 25, 1906.

Ellen White,

Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

W. O. Beall

Acting Commissioner.

No. 2805

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *Ellen White*

Age *28* Blood *1/16*

Post Office, *Sherman, Texas*

Father: *Wm. Rainwater (dead)*

Mother: *Mary*

Claims through *father*

Children:

Claims for herself alone

Stenographer

Harry G. Haine.

REFUSED.

Ellen White.

DECISION PREPARED

FEB 10 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 10 1903

FOR CHOCTAW AND CHICKASAW NATIONS

FEB 10 1903

RECORD FORWARDED TO DEPARTMENT

FEB 20 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 18 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED BY

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS

JAN 27 1906

REFER TO M.C.R.

DECISION PREPARED

CHOCTAW MCR 2806

MINNIE RAINWATERS

MCR 2806

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2806.

In the matter of the application of Minnie Thomas for identification as a Mississippi Choctaw.

Minnie Thomas having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie Thomas.
Q What is your age? A Twenty-five.
Q What is your post-office address? A Sherman, Texas.
Q How long have you lived there? A Eight months.
Q Where did you live before that? A Ft. Worth.
Q How long have you lived in Texas? A Twenty-three years.
Q Where did you live before you came to Texas? A About a year in Kansas.
Q Where did you live before that? A In Arkansas; was born in Arkansas.
Q What is your father's name? A William Rainwater.
Q Is he living? A No.
Q What is your mother's name? A Mary Rainwater.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I knew of.
Q Are you married? A Yes, I have been married.
Q Is your husband dead? A No.
Q Are you separated from him? A Yes.
Q What is your husband's name? A George Thomas.
Q Have you any children for whom you wish to make application at this time? A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application you have ever made of any description? A Yes.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes; I claim that we is entitled to Mississippi Choctaw by treaties of 1830 and 1846.

Minnie Thomas?---2

Q The Commission has authority only to identify those applicants who claim under the fourteenth article of the treaty of 1830; you have heard that article read, have you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A My grandfather Zeb Rainwater and my great-grandfather Abe Rainwater.

Q Have you any evidence showing that such ancestors were recognized either of them as members of the Choctaw tribe at that time? A Only these.

Q Did these ancestors, if Choctaw Indians remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If they did not remove with the other Indians did they within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I can't say.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.

Q Are there any additional statements you desire to make now in support of your application? A No; there is one thing that I would like, that is my name changed; since I put in an application for this, I want my maiden name- the Court granted me my maiden name recently.

Q and you are known now by that? A Yes.

Minnie Rainwater? A Minnie Rainwaters.

Q Have you any documentary evidence, affidavits, written evidence of any description copies of records deeds or patents or any proper papers showing that your ancestors ever were recognized members of the Choctaw tribe in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A Only these affidavits here.

Application of Minnie Thomas offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of Tobias Edwards offered in evidence by applicant marked Exhibit "B", filed and made a part of the record in this case; copy of affidavit of John Lewis offered in evidence by applicant, marked Exhibit "C" filed and made a part of the record in this case.

Q Do you want additional time in which to file evidence? A No.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a white woman.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 18 day of July 1901.

R. W. Linebaugh

Notary Public.

COPY

Muskogee, Indian Territory, February 10, 1903.

Minnie Rainwaters,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Minnie Rainwaters, -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby
Acting Chairman.

Registered.

MOR-2806

COPY.

Kuskogee, Indian Territory, January 25, 1906.

Kinnie Rainwaters,
Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNALL

W. O. Beall
Acting Commissioner.

#R 2806.

The applicant first
gave her name as
Minnie Thomas; after-
wards, she stated that
by decree of court, her
maiden name, to wit:
Rainwater, was restored.

2806

Minnie Rainwater

^{no}
Choctaw Nation

No. 2806

For Identification as a Mississippi Choctaw.

Date **JUL 2- 1901**

Name *Minnie Rainwaters Thomas*

Age *25* Blood *1/6*

Post Office, *Sherman, Texas*

Father: *Wm. Rainwaters (dead)*

Mother: *Mary "*

Claims through *father*
husband, George Thomas
(no claim for him)
Divorced from husband.

Children:

Claims for herself alone

Stenographer

Henry G. Harris

REFUSED

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW (R. 380)

Minnie Rainwaters

DEPT. OF THE INTERIOR

FEB 10 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 10 1903

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 10 1903

RECORD OF DEPARTMENTAL ACTION

FEB 26 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 18 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

JAN 25 1906

REFER TO M. O. R. 2759

DECISION PREPARED

CHOCTAW MCR 2807

ETHEL GARNAND

MCR 2807

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2807.

In the matter of the application of Mary Garnand for the identification of her minor child, Ethel Garnand, as a Mississippi Choctaw.

Mary Garnand having been duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Garnand.
Q What is your age? A Thirty.
Q What is your post-office address? A Sherman, Texas.
Q How long have you lived there? A In Texas twenty-four years.
Q Where did you live before that? A In Kentucky.
Q Were you born in Kentucky? A Yes.
Q And lived there until you moved to Texas? A Yes.
Q And have lived in Texas continuously ever since? A Yes.
Q What is your father's name? A E.H. Sanders.
Q Is he living? A Yes.
Q What is your mother's name? A Elizabeth Sanders.
Q For whom do you desire to make application? A For my one child.
Q What is that child's name? A Ethel Garnand.
Q How old is she? A Seven years old.
Q What is the name of your child's father? A James Garnand.
Q Is he living? A No.
Q Did your husband claim to have Choctaw blood? A Yes.
Q How much Choctaw blood did he claim to have? A Well, I don't hardly know; one thirtysecond.
Q How much Choctaw blood do you claim for your child? A One-sixty fourth, isn't it?
Q Has your husband, through whom this child derive its Choctaw blood, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q When and where were you married to James Garnand? A Sherman, 27th. August, 1893.
Q Have you your marriage license and certificate and do y u desire to offer same in evidence? A I have a copy of the license.
Q Do you desire to offer it in evidence? A Yes.
Q Is the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to have your child enrolled as a member of that tribe? A No.
Q Did you or any one else for your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Has your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to have your child admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any description you have ever made? A Yes.
Q Is it now your purpose to make application for the identification of your child as a Mississippi Choctaw? A Yes.

Mary Garnand---2

Q Do you claim the right for it as a beneficiary under the provisions of the fourteenth article of the treaty of 1830?

A Yes.

Q Has your child ever received any benefits as a Choctaw Indian?

A No.

Q Have any of its ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of its ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Well, their great-grandfather was Levi Brashears and their great-grandmother was Permelia Brashears.

Q Were they both Choctaw Indians? A Just her great-grandfather was Choctaw Indian.

Q Have you any evidence that he was a recognized member of the Choctaw tribe at that time? A No, only that they have always claimed it.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1836?

A I don't know.

Q If he did not remove, did he within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A Not that I know of.

Q Have any of your child's ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Are there any additional statements you desire to make in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of deeds or records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? I should have said this child's ancestors? A No, only this marriage license and these papers.

Written application of Mary Garnand offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; copy of affidavit of John Lewis marked Exhibit "B", filed and made a part of the record; copy of affidavit of Tobias Edwards, marked Exhibit "C", filed and made a part of the record; certified copy of marriage license and certificate between James R. Garnand and Mary Jane Sanders, offered in evidence by applicant, marked Exhibit "D", filed and made a part of the record in this case.

Q Do you wish any time in which to file any additional evidence in support of this application? A No, I don't know that I do.

The decision of the Commission as to your application for the identification of your minor child as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. section of the Act of Congress of June 28, 1898, and a copy of same will be mailed to you at your post-office address as given by you in your testimony.

Mary Gorman---

This applicant is a white woman and makes claim only for her child through her husband, deceased.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July, 1901.

R. H. Linebaugh

Notary Public.

COPY

Muskogee, Indian Territory, February 10, 1903.

Mary Garnand,
 Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Low Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Nthel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the secretary of the Interior."

Nany Garnand,-2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Det Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

MCR-2807

COPY.

Muskogee, Indian Territory, January 25, 1906.

Mary Garnand,

Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, the application for the identification of your minor child, Ethel Garnand, as a Mississippi Choctaw, is a part.

Respectfully,

SIGNED *W. O. Beall*
Acting Commissioner.

No. 2807

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Mary Garnand

Age 30

Key ch. 1/64
Blood

Post Office, Sherman Texas.

Father: E. H. Sanders

Mother: Elizabeth Sanders

Child

Claims through father

Husband: James Garnand (dead)
62

Children:

Ethel Garnand 7 1/2

Claims for one child.

Stenographer

Henry B. Hains.

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.
REFUSED.

Ethel Garnand

FEB 10 1906

FEB 10 1906

FEB 10 1906

RECEIVED

FEB 10

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 1 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AFFICANT.

JAN 25 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 25 1906

RECEIVED 2799

DECISION PREPARED

CHOCTAW MCR 2808

SOPHRONIA J. MONROE

MCR 2808

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Saphronia J. Monroe
et al., for identification as Mississippi Choctaws, M C R 2808.

List of papers forwarded to Secretary of the Interior

comprising the record in above entitled case.

Original application of Saphronia J. Monroe
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws..... 1

Decision of the Commission refusing the
application of Saphronia J. Monroe, et
al., for identification as Mississippi Choctaws... 6

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2000

In the matter of the application of Sophronia J. Monroe for identification of herself and her minor children as Mississippi Chocktaws.

Sophronia J. Monroe being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sophronia J. Monroe.
Q What is your age? A Twenty-eight years old.
Q What is your post-office address? A Wada, I.T.
Q How long have you lived there? A Goin on three years.
Q Where did you live before that? A I lived up there at Utica in the Choctaw Nation.
Q How long have you lived in the territory? A I have been here mighty near all my life.
Well, how long have you been in the Territory without moving out?
Q Twelve years in the Territory.
Q Where did you live before that? A Well, I was born in the Territory and moved to Texas for two years.
Q Well, how long have you lived in the Territory without moving out of it? A Twelve years.
Q Well, where did you live twelve years ago? A In Texas.
Q How long? A Two years.
Q Where did you live before that? A Up by Colbert, in Indian Territory.
Q How long were you in the Territory that time? A Well, I lived there--I guess I was--- I suppose it was ten years wasn't it?
Q Were you born in Indian Territory? A Yes.
Q And lived here until you moved to Texas? A Yes.
Q Where you stayed two years? A Yes.
Q And came back to the territory and have lived here ever since?
A Yes.
Q What is your father's name? A Thomas Allen.
Q Is he living? A I don't know.
Q What is your mother's name? A Seenie Woodbrooks before she married its Seenie Allen.
Q Is she living? A I don't know.
Q Through which one of your parents do you derive your Choctaw blood? A By my father's side.
Q How much Choctaw blood do you claim? A An eighth.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A I don't know, but I think so; it may be on the old roll- he was enrolled once, but I don't know whereabouts.
Q How do you know that he was enrolled once? A He always told me.
Q Was he enrolled here in the territory? A Yes; on the Mississippi lists.
Q In the Indian Territory? A Yes.
Q But you don't know on what roll? A No; I don't.
Q You say you don't know whether he is alive or not? A No.
Q When did you hear from him last? A Two years ago.
Q Does he live in Indian Territory? A He did when I heard from him last.
Q How long has he lived in Indian Territory? A All his life with the exception of the two years we stayed in Texas.
Q Was he born in Indian Territory? A I don't know; I reckon so, I

Seph) J. Monroe---2

don't know whether he was or not.

Q And your father told you that he was enrolled here in the Territory? A He said he was enrolled on the Choctaw list as a Mississippi Indian.

Q Here in the Territory? A I guess so.

Q If you don't know, you must say so; you are under oath. A I don't know; he said he was on the roll.

Q Well, I asked you if it was here in the Territory? A I don't know.

Q Are you married? A Yes.

Q What is your husband's name? A Steve Monroe.

Q Is he living? A Yes.

Q Do you make application on behalf of your husband? A I just want it for me and my children.

Q You don't make any for your husband? A No.

Q He is a white man and makes no claim to Indian blood? A Yes, he is a white man.

Q Have you any children for whom you wish to apply at this time?

A Yes; five.

Q Give the names and ages of these children. A Elmer Monroe, going on nine years; Beny Monroe, seven; Johnnie Monroe, five; May Monroe, three; and the baby, Floyd Monroe, one year.

Q You are the mother of these children? A Yes.

Q What is the name of their father? A Steve Monroe.

Q When and where were you married to him? A We was married in the Territory- got the license in Bonham, Texas- married in Panola County

Q When? A In '91.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled, you and your children, as members of that tribe? A No.

Q Did you or any one for you or your children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?

A I don't know.

Q Well, that was five years ago- did you? A No.

Q Did you authorize any one for you? A My father said he was going to.

Q Did he? A I don't know.

Q Did you ever hear that he had? A No, I never asked him.

Q Well, did you ever hear, if he made application, that anything was done with it? A I don't remember of hearing, at the present time.

Q Wouldn't you have heard? A Yes, but I don't remember whether I heard it or not.

Q Well, you don't think he made application, do you? A No, I don't THINK he did.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or children to be admitted or enrolled as citizens of the Choctaw Nation? A None only what I have just made to you.

Q Well, before this time? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Are you familiar with the provisions of that article of that treaty?

Q No.

Soph- J. Monroe---3

Q I will read it to you; article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to a one-half that quantity for each unmarried child which may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A It was my grandfather, Samuel Allen.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe at that time? A No, only that it was on the Choctaw roll somewhere.

Q Well, have you any evidence that he was on the roll? A No.

Q Did this ancestor, if a Choctaw Indian, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw tribe in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know; my father has always claimed to be Choctaw and his father was a Mississippi Choctaw.

Q Well, did this grandfather of yours go to the Indian Agent there in Mississippi and tell him that he wouldn't want to come West with the other Indians but wanted to stay in Mississippi and become a citizen of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Are there any further statements you desire to make in support of this application? A How do you say that?

Q Is there anything more you want to say? A Nothing only- if you want any proof that my father has always claimed Choctaw I want time to get it up.

Q You will have to decide for yourself whether you want time to get up evidence. A Well, it is necessary isn't it?

Q That is for you to decide. A Well, I would like to have thirty days that will give me plenty of time to get my evidence.

Q Have you any papers with you now? A No.

Thirty days time is allowed applicant in which to file additional evidence in support of her claim.

The decision of the Commission as to your application for the

Euphonia J. Howard

Identification of yourself and your minor children as Mississippi Shastave will be determined at the earliest possible date and report of same will be made to the Secretary of the Interior, conformable to the provision of the twenty-first section of the Act of Congress of June 22, 1890, and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

Applicant is apparently a white woman.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 15 day of July, 1901.

R. L. L. L. L.
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sophronia J. Monroe
et al., for identification as Mississippi Choctaws, M C R 2808.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Sophronia J. Monroe for herself and her five minor children,
Eamer, Seny, Johnnie, May and Floyd Monroe, under the following
provision of the act of Congress approved June 28, 1898 (30 Stats.,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, by reason of being

descendants on one Samuel Allen, who is alleged to have been a Choctaw Indian (degree of blood not given), and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Samuel Allen, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160), and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophronia J. Monroe, Elmer Monroe, Sony Monroe, Jehnnie Monroe

May Monroe and Floyd Monroe as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Bixby.

Acting Chairman.

SIGNED

I. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

Washkokee, Indian Territory, August 6, 1901.

Sophonie J. Monroe,
Wade, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of letter of July 28, in which you ask to be advised if your papers have been received from Henry Byington.

Replying to your letter you are advised that no affidavits have been offered for filing in support of your application for identification as a Mississippi Choctaw up to this time. If you desire to offer any additional evidence in support of your case you will be permitted to do so and the same will be made a part of the record in your case.

Yours truly,

MC-2808

Muskogee, Indian Territory, November 29, 1901.

Sophronia J. Monroe,

Wade, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty second instant, in which you ask to be advised if your attorney has filed any papers in support of your application for identification as a Mississippi Choctaw, and if not, if you can still offer evidence in support of your application.

In reply to your letter you are advised that it appears from our records that no papers have been offered for filing in support of your application for the identification of yourself and children as Mississippi Choctaws. If you now wish to offer evidence in support of your claim, the Commission will hear the testimony of such witnesses as may present themselves in person at its office in Muskogee, Indian Territory; if your witnesses live in Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi between January 15 and February 15, 1902. If it is impossible to secure the attendance of your witnesses in person, their depositions will be considered, when taken in accordance with the rules and reg-

S.J.M. 2

ulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

A copy of said regulations is herewith inclosed for your information.

Yours truly,

Acting Chairman.

NO 2808

Regulations for
taking depositions.

COPY

M.C.R.2808.

Muskogee, Indian Territory, December 6, 1902.

Sophronia J. Monroe,
Wade, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophronia J. Monroe, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophronia J. Monroe, Emma Monroe, Seny Monroe, Johnnie Monroe, May Monroe and Floyd Monroe as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

S J X 2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Registered.

M C R 2808.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Saphronia J. Monroe, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Saphronia J. Monroe, Homer Monroe, Seny Monroe, Johnnie Monroe, May Monroe and Floyd Monroe as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Webb
Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sophronia J. Monree, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Bixby
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2808.

Land
76160-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 13, 1903.

The Honorable the Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sophronia J. Monroe, for herself and five children, Emma, Seny, Johnnie, May and Floyd Monroe, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

It appears from the evidence in this case that the applicants base their claim to identification upon their descent from one Samuel Allen, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission makes its decision rejecting these parties for the reason that the name of Samuel Allen does not appear upon its records as having complied or attempted to comply with the provisions of the

14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that one Samuel A. Allen was a beneficiary under the 19th article of the Choctaw treaty of 1830, and was transported with his family to the Indian Territory in the second Choctaw emigration. His name does not appear, however, as having complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

D.C.No. 7000-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD.1660-1903.

March 10, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sophronia J. Monroe and her minor children, Emmer, Seny, Johnnie, May and Floyd Monroe, including your decision of December 6, 1902, denying the application.

The applicants claim to be descendants of one Samuel Allen, alleged to have been a Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Samuel Allen complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 18) and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting February 13, 1903, recommends that your decision be approved. A copy of his communication is inclosed herewith.

Having reviewed the entire record and found no reason to modify your decision, the Department affirms the same.

Respectfully,

(Signed)

F. L. Campbell

Acting Secretary.

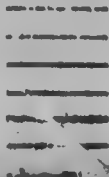
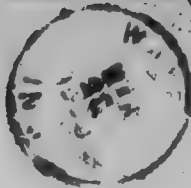
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2815

JUL 16 1903

JUL 2 1903

CHAIRMAN



11
NOR3

For mail to

Department of the Interior.

Commission to the Five Civilized Tribes,

MURKOGEL, AR.



POSTAGE WILL BE PAID BY ADDRESSEE.

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

Sophonra J. Monroe,

Wade, ~~Indian Territory~~

Bennington
to receive.

And so

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2808

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 21, 1903.

Sophronia J. Monroe,
Wade, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903,
~~the Secretary of the Interior affirmed the decision of this Commis-~~
sion, refusing the application for identification as Mississippi
Choctaws, of the several persons included in the case of Sophronia
J. Monroe, et al., of which decision you were advised by registered
mail on the 6th day of December, 1902.

Respectfully,



Chairman.

M. C. R. 2808

COPY.

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior, affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Sophronia J. Monroe, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

SIGNED

Jame Bixby.

Chairman.

M C R 2808

Muskogee, Indian Territory, September 30, 1904.

S. F. Monroe,

Monkstown, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22d instant, in which you ask to be advised relative to the rights of your wife and children to file on land in the Choctaw-Chickasaw country, Indian Territory.

In reply to your letter you are informed that on March 10, 1903, the Secretary of the Interior approved the decision of the Commission of December 6, 1902, refusing the application made by your wife, Sophronia J. Monroe, for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly notified on March 21, 1903.

The Commission now considers this case closed and it is not believed that Sophronia J. Monroe and her minor children are in any manner entitled to possessory rights of the tribal property of Choctaw and Chickasaw Nation.

Respectfully,

JD

Chairman.

Muskogee, Indian Territory, April 24, 1905

S. F. Monroe,

Spencerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, 1905, transmitting affidavits of Sophrona J. Monroe and M.

J. Monroe to the birth of Hittie Monroe, daughter of S. F. and Sophrona J. Monroe, January 1, 1905; also affidavits of Sophrona J. Monroe and S. F. Monroe to the birth of Theodore Monroe, son of S. F. and Sophrona Monroe, July 28, 1902.

It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is correct you are requested to state the name under which she was enrolled, the names of her parents, and if she has selected an allotment of the lands of the Choctaw or Chickasaw Nation please give her roll number as it appears upon her allotment certificate.

Respectfully,

Chairman.

M C R 2808

Muskogee, Indian Territory, May 5, 1905.

S. P. Monroe,

Spencerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 28, 1905, in answer to a communication to you from this office, dated April 24th, and from the information contained in your letter we are now able to identify the name of your wife, Sophronia J. Monroe, upon our records as a Mississippi Choctaw applicant whose claim was refused by the Commission on December 6, 1902, and the Commission's decision refusing said application was approved by the Secretary of the Interior on March 21, 1903.

Therefore, your two minor children, Nittie Monroe and Theodore Monroe, would not be entitled to enrollment as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved March 3, 1905.

Respectfully,

Chairman.

M C R 2808

Muskogee, Indian Territory, May 23, 1905.

S. F. Monroe,
Spencerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, relative to the rights of your wife, Saphronia J. Monroe, and minor children, Eamer, Sony, Johnnie, May and Floyd Monroe, to be identified as Mississippi Choctaws.

In reply you are informed that on March 10, 1903, the Secretary of the Interior approved the decision of the Commission of December 6, 1902, refusing the application made by Saphronia J. Monroe for the identification of herself and minor children as Mississippi Choctaws.

This case is now considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

NCR 2808

Muskogee, Indian Territory, September 8, 1908.

S. P. Monroe,

Spencerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 27, 1908, in which you request to be advised why your wife's name has not been sent to the Secretary of the Interior.

In reply to your letter you are informed that on March 10, 1903, the Secretary of the Interior approved the Commission's decision of December 6, 1902, refusing the application for the identification of your wife Sophronia J. Monroe and minor children as Mississippi Choctaws, the record in the case having been forwarded the Department on December 22, 1902.

You have been repeatedly advised that your wife's case was closed, and this office has to again inform you that it is not believed that your wife and minor children are in any manner entitled to share in the distribution of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, August 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw application of Sophronia J. Monroe, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of December 6, 1902, adverse to the applicants, was, on December 22, 1902, forwarded the Department.

March 10, 1903 (I T D 1660-1903), the Department affirmed the decision above referred to.

June 25, 1906, this office received from Guy P. Cobb, attorney at law, Ardmore, Indian Territory, motion for rehearing in the matter of the application for the enrollment of Sophronia J. Monroe, et al. as citizens of the Choctaw Nation. The same is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 7/3

M C R 2808

Muskogee, Indian Territory, August 7, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Referring to the motion enclosed with your letter of June 23, 1906, for rehearing in the matter of the application for enrollment of Sophronia J. Monroe, et al. as citizens of the Choctaw Nation, you are advised that the same has this date been forwarded to the Secretary of the Interior.

Respectfully,

Acting Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
16098-1903.
69330-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:---

Referring to Departmental letter of March 10, 1903,
(I.T.D. 1660-1903), I have the honor to transmit herewith a
motion for a rehearing of the application for the enrollment
of Sophronia J. Monroe, et al., as citizens of the Choctaw
Nation. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KRM-KRW.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LEB

D.C. 48519-1906.
I.T.D. 20530-1906.

October 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion for rehearing in the Mississippi Choctaw case of Sophronia J. Monroe, received with your letter of August 7, 1906, and Indian Office letter of October 11, 1906.

The motion, made by an attorney, is not under oath and is not supported by affidavits. It does not answer in any particular the ordinary requirements governing motions for rehearing.

An attempt is made to procure a rehearing to show that the claimant is a citizen of the Choctaw Nation by intermarriage. It is alleged that "had she been permitted to introduce testimony (at the original hearing) she would have been able to establish that she had been regularly married to Sam Roundtree, a regularly recognized citizen by blood of the Choctaw Nation, and all other facts necessary to establish her claim to citizenship."

This is too vague to order a rehearing upon leaving out any question of its not being made by the applicant, under oath.

-2-

In the original testimony it was shown that the claimant was married to Steve Monroe. There is no mention therein of Roundtree.

In the absence of a prima facie showing to warrant a rehearing, the motion is denied.

A copy of the Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) R. A. Hitchcock.

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

M.C.R. 2808.

COPY

Muskogee, Indian Territory, November 13, 1906.

Sophronia J. Monroe,
Spencerville, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on October 31, 1906, denied the motion filed with this office by Guy P. Cobb, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Sophronia J. Monroe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M.C.R. 2808.

COPY

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 31, 1906, denied the motion filed with this office by Guy P. Cobb, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Sophronia J. Monroe, et al. This case includes the following persons:

Sophronia J. Monroe
Seny Monroe
May Monroe

Emmer Monroe
Johnnie Monroe
Floyd Monroe

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M.C.R. 2808

COPY

Muskogee, Indian Territory, November 13, 1906.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter
of October 31, 1906, denying the motion filed by you with this
office on June 23, 1906, for a rehearing in the Mississippi Choctaw
case of Sophronia J. Monroe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

LBA 13-4.

M.C.R. 2808.

COPY

Muskogee, Indian Territory, November 13, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of October 31, 1906, denying the motion filed by Guy P. Cobb, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for a rehearing in the Mississippi Choctaw case of Sephronia J. Monroe, et al.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

LBA 13-5.

Copy
Notice
Sophronia J. Munoz et al

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

JUN 25 1906


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application
for the enrollment of Sophronia J. Monroe
and her minor children Nittie Monroe and
Theodore Monroe as citizens of the
Choctaw Nation.

MOTION FOR
REHEARING.

Comes now Sophronia J. Monroe by her attorney Guy P. Cobb and represents that she is a citizen of the Choctaw Nation, both by blood and intermarriage, that application was made to the Commission to the Five Civilized Tribes by your petitioner in person, for enrollment as a citizen of said Nation, by intermarriage, by blood and as a Mississippi Choctaw, that at the time said application was made your petitioner was not permitted to introduce any testimony relative to her right as a citizen by intermarriage, for the reason at that time the Commission to the Five Civilized Tribes rejected and refused all cases where applicants claimed by intermarriage under a United States License, had she been permitted to introduce testimony she would have been able to have established that she had been regularly married to Sam Roundtree a regularly recognized citizen by blood of the Choctaw Nation and all other facts necessary to establish her claim to citizenship. Wherefor your petitioner respectfully prays that her application for enrollment and the application of her two minor children Nittie Monroe and Theodore Monroe be reopened, and she be granted a rehearing, and be permitted to introduce testimony to establish her right to enrollment as a citizen of the Choctaw Nation by intermarriage and the right of her children to enrollment.

Guy P. Cobb

Atty. for applicant.

No. 2508

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Sophronia J. Monroe

Age 28 Blood 1/8

Post Office, Wade, L.T.

Father: Thomas Allen

Mother: Lenny Allen

Claims through father
husband
Steve Monroe
(no claim for him)

Children:

Emma Monroe		9
Lenny	" F	7
Johnny	"	5
May	"	3
Floyd	"	1

Claims for herself and five children.

Stenographer

Henry G. Hains

REFUSED

Sophronia J. Monroe et al

DECISION RENDERED. DEC 6 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 6 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 6 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 10 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 21 1903

CHOCTAW MCR 2809

JOHN BRIDGES

See MCR 129

MCR 2809

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2809

In the matter of the application of John Bridges for the identification of himself and his minor children as Mississippi Choctaws. John Bridges being first duly sworn on his oath testified as follows:

Examination by the Commission:

Q What is your name? A John Bridges.
Q What is your age? A Forty-six.
Q What is your post-office address? A Ego, I.T.
Q How long have you lived in the Indian Territory? A Well, somewhere along in the neighborhood of 13 or 14 years.
Q You haven't been out of the territory to make a home? A No, I haven't been out of the Territory.
Q Where did you live before you came to the Indian Territory?
A In Texas.
Q How long did you live in Texas? A I can't tell you.
Q Were you born in Texas? A No in Tennessee.
Q How old were you when you came to Texas? A About four years old.
Q You were born in Tennessee and lived there until you moved to Texas at four years of age and lived there until you moved to the Territory where you have lived ever since? A Yes.
Q What is your father's name? A Hent Bridges.
Q Is he living? A No.
Q What is your mother's name? A She was a Hayes.
Q Well what is her name? A Polly A. Bridges.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Through the Hayes side; my mother.
Q About how much Choctaw blood do you claim? A 1/16 I suppose.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No she don't know anything about it; she has never been taught it.
Q Well, has she ever been enrolled? A No.
Q Are you married? A No?
Q Yes. A Yes.
Q What is her name? A Paralee Bridges.
Q Is she living? A Yes.
Q Do you make application on behalf of your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A No.
Q Have you any children in your family for whom you wish to apply?
A I have got two girls that has been married and one of these husband is dead; no, that one is living with me and her man is dead.
Q Give the names and ages of your children that are under twenty-one years of age and unmarried; as nearly as you can? A There's Jim Bridges, seventeen; Maggie Bridges, she will be 16 in October; Elizabeth Bridges, eleven I believe; Ivy Bridges, nine I think; Nera Bridges, about--She is eight in February, I believe; the next one is the baby, three years old, Bessie S. Bridges.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Paralee.
Q Those of your children who are over age or married will have to make application for themselves.

John Bridges---2

Q When and where were you married to Paralee Bridges? A Texas, about twenty-three years ago I believe.

Q Did you obtain a license to marry? A Yes.

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Why he was a Justice of the Peace.

Q Have you your marriage license and certificate and do you desire to offer same in evidence here? A No, they are on record in Gainesville, Texas.

It will be necessary for the Commission to be supplied with evidence of your marriage to Paralee Bridges in support of the application made on behalf of your minor children.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, none at all.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of that tribe? A No.

Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or your children under the Act of Congress of June 10, 1896? A None that I would remember.

Q Well, wouldn't you remember of your made application five years ago? A I don't.

Q Did you make any such application? A No.

Q Did you authorize any one to make such application for you or your children? A No.

Q Then you have no reason to believe that one was made? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your children to either the authorities of the United States or the Choctaw tribal authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A That's what I am here for.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A We are descendants of Mississippi Choctaws.

Q Well, do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Well, you see I don't know anything about the treaty; I heard it read but I can't understand it though.

Q Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the Agent within six months from the ratification of this treaty his intention, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be living with him under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under

John Bridges---3

this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Do you claim under this article? A Yes, I think that's correct.

Q Have you ever received any benefits as a Choctaw Indian? A None at all.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A They might have, but I can't say about that; I don't know.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A Well, there is Betsey Hayes for one.

Q What relation was Betsey Hayes to you? A Well, I suppose she was my great-grandmother, as well as I can get it.

Q Have you any evidence that she was a recognized member of the Choctaw tribe at that time? A I think I could get up that; I haven't got it now.

Q Did she, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Well, I don't know.

Q If she did not remove with the other members of the tribe, did she within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Indians in Mississippi her intention to remain in Mississippi and become a citizen of the United States? A I don't know anything about that.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A None that I know of.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A I have some papers here.

Affidavit of M. Wood offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; affidavit of John Lewis offered in evidence by applicant marked Exhibit "B", filed and made a part of the record in this case; affidavit of Henry Byington as translator of John Lewis' affidavit is attached to Exhibit "B".

Q Do you wish any time in which to file additional evidence in support of this application? A Yes, a short time.

Thirty days time is allowed applicant in which to file additional evidence in support of his application; also marriage license and certificate or certified copy thereof.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the ~~fourteenth article of the treaty of 1830~~ 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be sent by mail to you at your post-office address as given by you in your testimony.

John Bridges—4

This applicant is apparently a white man.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24 day of July, 1901.

A. W. Linebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 7, 1901.

In the matter of the application of John Bridges et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 2, 1901, M.C. 2809.

In the matter of the application of Mary Johnson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3193.

In the matter of the application of Lillie Wilson for identification as a Mississippi Choctaw heard at Atoka, Indian Territory August 7, 1901, M.C. 3194.

Applicants not represented by attorney.

John Bridges, called as a witness, duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Bridges.
Q What is your age? A Forty-six.
Q What is your post-office address? A Ego.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A About fourteen years.
Q Where did you live before you came to the Territory? A Texas.
Q How long did you live in Texas? A Well I could hardly tell, pretty near all my life.
Q Were you born in Texas? A No I was born in Tennessee.
Q How long did you live in Tennessee? A Well I came to Texas the year the War broke out, you can count it up.
Q Well about how old was you when you came to Texas? A About four years old.
Q You are the same John Bridges who appeared before the Commission at Atoka, Indian Territory on July 2 and applied for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with the applicants Mary Johnson and Lillie Wilson? A Yes they are my children.
Q And get their Choctaw blood through you? A Yes.
Q Which one of your parents did you get your Choctaw blood through? A My mother.
Q What is your mother's name? A Pollie Hayes.
Q Pollie Bridges when she was your mother was it not? A Yes she was Pollie Hayes before she was married.
Q What was your mother's father's name? A Joe Hayes.
Q What was your mother's mother's name? A Annie, she was a Shipman before she was married and that was her first name.
Q Annie? A Yes.
Q Your children have been giving it as Betsy? A Well Betsy is their ancestor further back. I could not tell how far.
Q Is your mother living? A Yes.
Q How old is she? A I could not hardly tell.
Q Well about how old? A Well I suppose about sixty or somewhere near there.
Q Which one of your mother's parents claimed to be Choctaw? A I'd was her daddy Joe Hayes.

- Q Now which one of these ancestors lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Well I don't know but I suppose it was the father of the one we just gave in.
- Q How old was your mother? A I suppose about sixty.
- Q Then your mother must have been born about the year eighteen hundred and forty? A No answer.
- Q Did you ever see your grandmother? A Yes.
- Q Do you know when she died? A I can't tell you the year she died in. I know how old she was.
- Q Well about how old were you when she died? A About twenty-two or twenty-three.
- Q About how old was she then? A I can't tell that.
- Q Have you any idea how old she was? A No.
- X Q Well do you understand that it is a matter of some importance that you tell us which one of your ancestors was living in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A Betsy Hayes I suppose.
- Q X How do you know? A Only what I heard.
- Q Now I say, then your own mother must have been born about the year eighteen hundred and forty you say she is about sixty years old? A Well she is along there some where, I don't know.
- Q Well don't you know that it would be to your interest to find out something of these things and advise the Commission? A Yes I expect it would.
- X Q How do you think the Commission is going to identify your or your children if you cannot tell them which one of your ancestors lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian? A I can't tell anything about it, I expect to find out.
- Q Is there anybody living who knows your ancestors and knows which one of your ancestors was living in Mississippi in eighteen hundred and thirty? A I don't know unless there are two that could tell it.
- X Q Who are they? A Well I think this man Lewis could and if he don't Wood.
- Q Well Wood in his affidavit states that he is only sixty-five years old. This is only a little older than your mother? A Well then Lewis if he don't know I don't know who would know.
- Q Is there any one living who would know whether any of your ancestors went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and take land there or not? A I don't know.
- Q Do you understand that it is a matter of importance to your case and the case of your children to find out something about this? A Yes.
- Q Did any of your ancestors own any land in the States of Mississippi, Arkansas, Louisiana or Alabama? A I don't know..
- Q Do you know any way to find out? A No.
- X Q What makes you and your children think you have any right here? A We don't only we have some folks that are working at it.
- Q How long have you known you are Choctaws? A About three months.
- Q How did you happen to find out three months ago? A Why we just happened to run across these people who were working on it.
- Q Working on ~~in~~ it without you knowing anything about it? A Yes you see they did not live where we did.
- Q Who was working on it? A Well this man Wood was one of them. I got down there close to him now. I never knew he come from the old Country until I run across him.
- Q Well is it not rather strange that he should find out that you had Choctaw blood when you never knew anything about it before? A Well Yes, but things come up that way some time. It was strange to me I did not know anything about it.

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- Q You don't know anything more about your claim or the claims of your daughters than you have already said? A No.
- Q Do you think you realize the importance of having some evidence along the line that you have been questioned? A Why if I can get them here and they fail why then I don't know anything else to do.
- Q You understand do you that in cases where valuable property rights are involved that the unsupported statement of parties in interest will carry very little weight? A Why Yes it is bound to be.
- Q Do you expect to get such evidence as you can in support of your claim and the claims of your daughters? A I expect to get up all I can.
- Q You cannot say anything more in regard to your daughters claim except that they claim their Choctaw blood through the same ancestor that you claim yours? A Yes they are my children and if I get knocked out why the will too.

G. Rosenwinkel being duly sworn on his oath as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 7, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 22nd day of October 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, August 10, 1901.

Henry Dyrington,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7th enclosing certified copy of the marriage license and certificate between J. R. Bridges and L. P. Shipman which you offer for filing in support of the application of John R. Bridges et al, for identification as Mississippi Choctaws.

The same has been filed and made a part of the record in the application of John Bridges for the identification of himself and his minor children as Mississippi Choctaws.

Yours truly,

MC-2809

Muskogee, Indian Territory, September 23, 1901.

Mr. Isaac M. Wood,

Esq.,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, enclosing affidavits of Ary Wood, to be filed in the following applications for identification as Mississippi Choctaws: Lillie Wilson, M. C. 3194; John Bridges et al., M. C. 2809; and Mary Johnson et al., M. C. 3193.

Affidavit of Ary Wood, and certificate of J. L. Rappelee, of certain entries on pages 108, 137, 92 and 135 of volume 7, American State Papers, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, offered for filing in support of the application of Nancy Jane Bayland et al., for identification as Mississippi Choctaws. M. C. 2980.

Certified copy of affidavit of John Lewis and affidavit of Henry Byington, as interpreter, and certificate of J. L. Rappelee, of extract from pages 108, 137, 92 and 135, of Volume 7, American State Papers, offered for filing in support of the application of Nellie Wood for identification as a Mississippi Choctaw. M. C. 318.

I. M. W., #2.

Joint affidavit of Isaac M. Wood and Ary Wood, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, and certificate of J. L. Rappelee, Notary Public, to certain extracts from pages 108, 137, 98 and 135 of Volume 7, American State Papers, which you offer for filing in support of the application of Ann J. Wood for identification as a Mississippi Choctaw, M. C. 1265.

The same have been filed with the other records in these cases, and will receive consideration in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M. C. 3194
M. C. 2809
M. C. 3193
M. C. 2980
M. C. 268
M. C. 1265.

Kuskogee, Indian Territory, October 21, 1901.

Mr. John B. Bridges,

Ego,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 12, 1901, with which you enclose the affidavit of Elijah Colbert, offered for filing in support of your application for identification as a Mississippi Choctaw.

It does not appear from our records that any person by the name of John B. Bridges has applied for identification as a Mississippi Choctaw. It does appear however, that on July 2, 1901, John Bridges, of Ego, Indian Territory, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his minor children as Mississippi Choctaws.

The affidavit forwarded by you has been made a part of the record in the matter of the application for identification as Mississippi Choctaws of John Bridges et al., and will receive consideration in determining the rights of the applicants in this case to identification as Mississippi Choctaws.

Yours truly,

W.C. 3000

Muskogee, Indian Territory, November 23, 1901.

John Bridges,

Kgo, Indian Territory

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Vachel L. Wood and Nellie Wood, you are informed that under dates of July 25, 1901, and August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval with instructions that opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory on July 2, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and six minor children claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday

J. B. 2.

January 7, 1908 at one o'clock P. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 2809

Acting Chairman.

Muskogee, Indian Territory, November 25, 1901.

J. B. Bridges,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, in which you ask if any evidence has been received in support of your application for identification as a Mississippi Choctaw, and whether such evidence is sufficient to establish your claim.

In reply to your letter, you are advised that it appears from our records that there have been filed with the record in your case the affidavit of Elijah Colbert, affidavit of I. M. Wood, affidavit of John Lewis, the affidavit of Ary Wood, and certified copy of the marriage license and certificate between J. B. Bridges and L. P. Shipman. No decision has yet been reached relative to your application for identification as a Mississippi Choctaw, and no opinion can be rendered at this time as to the sufficiency of the evidence submitted by you. If you desire to offer additional evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves in person at its office in Muskogee, Indian Territory. If the witnesses live in Mississippi,

J.B.B. 2

they may be heard at the office of the Commission at Meridian, Mississippi between January 15 and February 15, 1902. If you cannot secure the presence of your witnesses in person, their depositions will be considered when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules and regulations is herewith inclosed, for your information.

Yours truly,

Acting Chairman.

MC 2809.

Muskogee, Indian Territory, December 19, 1901.

John Bridges,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of George
C. Colbert which is offered for filing in support of the application
for identification as Mississippi Choctaws of John Bridges, et al.
The same has been filed with the record in this case, and will re-
ceive consideration in the disposition of your application.

Yours truly,

Commissioner in Charge.

MC 2809

Muskogee, Indian Territory, December 20, 1901.

J. B. Bridges,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant, in which you state that the Commission did not acknowledge receipt of the affidavit of George Colbert, which you offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that on December 19, 1901, a communication was addressed to you at Ego, Indian Territory, advising you that the affidavit of George Colbert had been received and filed with the record in your case.

Yours truly,

Commissioner in Charge.

MC 2809

Miss. Choc. 2609

Muskogee, Indian Territory, February 21, 1902.

John B. Bridges,

Ko, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant, in which you ask what disposition has been made of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to the rights of yourself and your children as Mississippi Choctaws. When a decision is reached you will be notified of the action of the Commission.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1902.

John Bridges,

Mgo, I. T.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac M. Wood, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac M. Wood, et al.,	M.C.R. 129
Asa J. Wood,	M.C.R. 1265
Vachel L. Wood,	M.C.R. 266
Mellie Wood,	M.C.R. 265
John Bridges, et al.,	M.C.R. 2809
Lillie Wilson,	M.C.R. 3194
Mary Johnson, et al.,	M.C.R. 3193
Nancy Jane Layland, et al.,	M.C.R. 2980

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Isaac M. Wood, Cornelia F. Wood, Napoleon Wood, Asa J. Wood, Vachel L. Wood, Mellie Wood, John Bridges, Jim Bridges, Maggie Bridges, Elizabeth Bridges, Ivy Bridges, Nora Bridges, Dessie S. Bridges,

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Lillie Wilson, Mary Johnson, Freddie Bradford Johnson, Nancy Jane Layland, William W. Layland, Dora E. Layland, Sydney P. Layland, Vency J. Layland, and Idy V. Layland, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M C R 2609

Muskogee, Indian Territory, April 29, 1902.

John Bridges,

Mcg, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of April, 1902, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac M. Wood, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

M C R 2809

Muskogee, Indian Territory, November 12, 1903.

J. B. Bridges,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, relative to the decision of the Commission refusing the Mississippi Choctaw cases of Lillie Wilson, Mary Johnson, et al. and John Bridges, et al. You ask to be advised wherein the evidence in these cases was insufficient.

In reply you are informed that it appears from our records that on April 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applicants included in the consolidated Mississippi Choctaw case of Isaac M. Wood, et al., of which the above named applications are a part.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who lived in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the

J B B 2

two Commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842. No proof of this character was submitted in support of the above mentioned case.

The Commission now considers the consolidated Mississippi Choctaw case of Isaac M. Wood, et al. closed, and cannot receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

No. 2809

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name John Bridges

Age 46 Blood 1/16

Post Office, Ego. L.T.

Father: Hunt Bridges (dead)

Mother: Polly A. Bridges

Claims through mother
wife Paralee Bridges
(no claim for her)

Children:

Jimmie Bridges	17
Maggie "	16
Elizabeth "	"
Ivy "	9
Nova "	8
Dessie I.	3

Claims for himself and six children

Stenographer

Henry G. Hains

CHOCTAW MCR 2810

WILLIAM GOFF

MCR 2810

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2810

In the matter of the application of William Goff for identification as a Mississippi Choctaw.

William Goff being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Goff.
Q What is your age? A Thirty two.
Q What is your post-office address? A Paris, Texas.
Q Have you a street number? A No.
Q How long have you lived there? A I moved there the first of January.
Q Where did you live before that? A Four years here in the Nation.
Q And where did you live before that? A The balance of the time I lived right on the line of the Choctaw Nation and Texas, on the Texas side.
Q Were you born in Texas and lived there all your life except those four years in the Nation? A Yes.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q What is your mother? A Just black woman.
Q Negro? A Yes.
Q And what was your father beside Choctaw? A Well, I don't know; Choctaw and negro, I reckon.
Q Was he ever a slave? A Yes.
Q Was your mother ever a slave? A Yes.
Q You were not a slave yourself? A No.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Yes, I suppose so.
Q When and where? A He was enrolled here some time ago, I think it was in February.
Q You mean that he came here and applied for identification as a Mississippi Choctaw? A Yes.
Q That is what you mean when you say he was enrolled? A Yes.

Evidence of the marriage of Washington Goff and Hulda Ann Goff was filed in the case of Washington Goff, M.C. #124.

- Q Are you married? A No, not now.
Q Have you ever been married? A Yes, have been.
Q Have you any children? A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 18, 1896? A If they

William Goff---2

was I never heard anything about it.

Q Did you ever make any such application? A No.

Q Did you authorize any one to make one for you? A No.

Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No, I have not.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.

Q Is this the first application you have ever made of any kind?

A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know; I don't know what that treaty is.

Q Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may living with him under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you claim under this article of this treaty? A I just don't understand that exactly; I don't know.

Q Do you claim under that article? I will say to you that that is the only manner in which the Commission can identify; those applicants who claim under the fourteenth article of the treaty of 1830; now, is that the way you make your claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A None as I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know; I don't know anything about them creeks.

Q Do you know what the word ancestor means? A No.

Q Well, it means do you claim through your father or mother, or their parents or grandparents? A I don't think his father's mother.

Q Do you claim through your father's father? A No, its his mother.

Q Well, did she live in Mississippi in 1830? A I don't know.

Q What was her name? A Lizzie Littlejohn.

Q Is she living? A Yes.

Q How old is she? A Lord above knows; she was white-headed when I first knowed her and she is white-headed yet.

Q What was the name of her father or mother? A Her father was Octavius Harvey.

Q Was her father a Choctaw Indian? A Yes.

William Geff---2

Q Was her mother a Choctaw Indian? A Half.

Q What was her mother's name? A I don't know.

Q Have you any evidence that your grandmother or your great-grandfather were Choctaw Indians in Mississippi in 1830? A No, not at present.

Q Did they, if Choctaw Indians, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know whether they did or not.

Q If they did not remove with the other members of the tribe did they within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Have you any documentary evidence that you want to file now? A None at present.

Q Do you want to file any? A No, none at the present time.

Q Do you want to file any at all? Do you want any time granted in which to file any papers? A Yes some time.

Thirty days time is granted applicant in which to file additional evidence in support of his case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same will be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your postoffice address as given by you in your testimony.

This applicant is apparently a negro.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24 day of July 1901.

A. M. Livebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 1524

In the matter of the application of William Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811

In the matter of the application of Green Goff et al. for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812

In the matter of the application of Lula Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813

In the matter of the application of Norher Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Lizzie Littlejohn; Elizabeth Littlejohn; they call me Lizzie for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County, Texas? A Yes.
- Q Do you know Washington Goff? A That's my son.
- Q Norher Lockhart? A My granddaughter.
- Q Anderson Goff? A Yes.
- Q Green Goff? A Yes.
- Q William Goff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Goff? A Yes.

Q Lula Goff? A Yes.
 Q Eliza Goff? A Yes.
 Q What relation was Washington Goff to you? A My son; my first child.
 Q What relation are all these others? A My grand-children.
 Q Whose children are they? A Washington Goff's children is my grandchildren.
 Q Are these all the children of Washington Goff? A Yes, they all is his own true grown children.
 Q What is Washington Goff's father's name? A Nelson Hughes; that's right; the Goff name is only a nick name they give him; the Goff name is.
 Q These others are the children of Washington Goff? A Yes.
 Q What is their mother's name? A Hulda Ann.
 Q Hulda Ann Goff? A Yes.
 Q What was she? A What do you mean by what is she?
 Q I mean was she Indian? A No, she ain't got any Indian blood in her.
 Q Well, what was she? A I don't know what she was; whether she was part negro or not.
 Q Was she white? A No, ginger-cake color.
 Q And these children of Washington Goff are your grandchildren? A Yes.
 Q Washington Goff gets his Indian blood through which one of his parents? A Only me I guess.
 Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.
 Q What blood did Nelson Hughes have? A He was darker than Washington Goff.
 Q Was he a negro? A He went for a negro; he wasn't out and out- I think he had some other blood in him.
 Q Was he a slave? A I don't think so; he wasn't.
 Q And these children of Washington Goff get their Choctaw blood through him and then through you? A Yes.
 Q And what relation would your father be to these children of Washington Goff? A Grandfather;
 Q What relation would your father be to Washington Goff? A Grandfather.
 Q Well, then what relation would your father be to these children of Washington Goff? A Grandfather.
 Q Well, your husband would be their grandfather wouldn't he?
 A yes, you asked that didn't you?
 Q No, I asked you what your father would be to them? Wouldn't your father be Washington Goff's grandfather? A I reckon so; of course he would.
 Q What relation would he be to Washington's children then? Wouldn't they be his great-grandchildren? A Yes, I suppose so.
 Q They get their Choctaw blood from your father or your mother?
 A I reckon they would get a little of it from my father and my ~~wife's~~ father's wife, their great-grandfather and great grandmother. I reckon it would be mixed that a way.
 Q What was your father's name? A Octavius Harvey.
 Q What was your mother's name? A Mary Harvey.
 Q And these children, Washington Goff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
 Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
 Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
 Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.
 Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.

3---

Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
Q You don't know his given name? A No.
Q Do you know the name of Octavius Harvey's mother? A No.
Q Do you know the name of Nelson Hughes father? A No.
Q Do you know the name of Nelson Hughes' mother? A No.
Q Do you know whether they ever lived in Mississippi? A If they did, I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.
Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know anything about that.
Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 and 1838? A No, I know they didn't, 'cause I know when the Indians come from the Nation over here and they didn't come with them.
Q Where were you then? A I was in Mississippi then.
Q Were they living then? A No, they were not.
Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
Q Well was that when all the Indians came from Mississippi over here- when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
Q Did you go to the Indian agent there in Mississippi and told him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
Q Did you have any Choctaw name? A They always took me and told me I was kin to them.
Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Ghoc", and said I was kin to them; I used to get mad at them when they told me.
(To Washington Goff):
Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

D. H. Linebaugh
Notary Public.

Muskogee, Indian Territory, August 6, 1901.

Henry Byington,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 26th, enclosing certified copies of affidavits of Albert York and Austin White, and affidavits of Washington Goff and Elizabeth Littlejohn, which you offer for filing in support of the application of William Goff for identification as a Mississippi Choctaw.

The same has been made a part of the records in this case and will receive the consideration of the Commission in the disposition of this application.

Yours truly,

COPY

M.C.R. 2810.

Muskegee, Indian Territory, September 4, 1902.

William Goff,
Paris, Texas.

Dear Sir:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Lella Goff,	" 2813
Norher Leekhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses

V.C. #2.

and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erubah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Maysea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Samuel D. Dwyer

Acting Chairman.

Registered.

M.G.R. 2810

COPY

Muskogee, Indian Territory, December 22, 1902.

William Soff,

Paris, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

T. Albert B. McCoy

Acting Chairman.

No. 2810

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *William Goff*

Age *32* Blood *1/4*

Post Office, *Paris, Texas*

Father: *Nash Goff*

Mother: *Helda Ann Goff*

Claims through *father*

~~Children:~~

Claims for himself alone

Stenographer

Henry G. Hains

William Goff

REFUSED

DECISION RETURNED. SEP 4 1902

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NOTICE OF THE

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CHOCTAW MCR 2811

ELIZA GOFF

MCR 2811

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

2811

In the matter of the application of Elisa Goff for the identification of herself and her minor children as Mississippi Choctaws.
Elisa Goff having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Elisa Goff.
Q What is your age? A Thirty four.
Q What is your post-office address? A Paris, Texas.
Q How long have you lived there? A Ten years.
Q Where did you live before that? A Out in the country.
Q How long have you lived in the ~~the~~ Texas? A All my life.
Q Were you born in Texas? A Yes.
Q And never have had a home anywhere else? A No.
Q What is your father's name? A Washington Goff
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One third.
Q How much Choctaw blood had your father? A One half.
Q What was the other half? A I don't know; I guess it is colored.
Q What was your mother? A She was colored.
Q Was your mother a slave? A Yes.
Q Was your father a slave? A Yes.
Q Were you a slave? A No.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A Never heard.
Q He came here and applied did he? A Yes.
Q But he has never been enrolled by the Choctaw tribal authorities?
A No.

Evidence of the marriage of Washington Goff and Hulda Ann Goff was filed in M.C.R. #1524.

- Q Are you married? A Been married.
Q Have you any children for whom you wish to make application?
A Yes I have five.
Q What was the name of your husband? A Aleck White.
Q Was he a negro? A Yes and a black one too.
Q Is he dead? A No, not as I know of.
Q Are you divorced from him? A Yes.
Q You don't make any application for him then? A No.
Q Give the names and ages of your children for whom you wish to make application at this time? A I can give the names but not the ages exactly. Christopher White, fourteen; Maria White, twelve about; Erubah, (Girl), will be ten soon; Birdie, (Girl), will be nine soon; McKinley, four. That's all.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Aleck White.
Q When and where were you married to Aleck White? A In Texas; I don't know what year though.
Q About how long ago? A About fifteen years.

Elias Coff---2

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Only this time.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q You heard it read didn't you? A Yes, but I didn't understand much.

Q Do you claim under that article of that treaty? A I guess so.

Q The Commission is only authorized to identify those who claim under the fourteenth article of the treaty of 1830? A Yes, I guess I will have to.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A If they did, I don't know it.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A I don't know any.

Q Well, now, was your father's mother or father a Choctaw Indian? A My father's mother is.

Q Your father's mother? A Yes.

Q Was her father or her mother Indian? A I think they both had Indian in them; I think her father was and his mother was half.

Q What was the name of your father's mother? A Elizabeth Littlejohn.

Q What was the name of her father? A I don't know. I have forgotten it is such a funny name.

Q So you don't know the name of your great grandfather? A No.

Q Do you know the name of your great-grandmother? A No.

Q Have you any evidence showing that your great-grandfather or great-grandmother was ever recognized members of the Choctaw tribe in 1830? A I haven't any now; I will have some in about 30 days.

Q Did these ancestors, if Choctaw Indians, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If they did not remove, did they within six months from the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know that either.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, I don't think so.

Elias Geff---3

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records or deeds or patents, or any proper papers showing that your ancestors were ever recognized member of the Choctaw tribe of Indians in 1830 in Mississippi or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No, not at present

Q Do you want time in which to file additional evidence in support of your application? A Yes.

Thirty days time from the date hereof is allowed applicant in which to file any further evidence in support of his claim.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post office address as given by you in your testimony.

This applicant has the appearance of a full-blood negro.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24 day of July, 1901.

R. M. Linebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 22, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 1524

In the matter of the application of William Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811

In the matter of the application of Green Goff ^{et al.} ~~for~~ identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812

In the matter of the application of Lula Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813

In the matter of the application of Norner Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Lizzie Littlejohn; Elizabeth Littlejohn; they call me Lizzie for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County.
- Q Texas? A Yes.
- Q Do you know Washington Goff? A That's my son.
- Q Norner Lockhart? A My granddaughter.
- Q Anderson Goff? A Yes.
- Q Green Goff? A Yes.
- Q William Goff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Goff? A Yes.

Q Lula Goff? A Yes.
 Q Elisa Goff? A Yes.
 Q What relation was Washington Goff to you? A My son; my first child.
 Q What relation are all these others? A My grand-children.
 Q Those children are they? A Washington Goff's children is my grandchildren.
 Q Are these all the children of Washington Goff? A Yes, they all is his own true grown children.
 Q What is Washington Goff's father's name? A Nelson Hughes; that's right; the Goff name is only a nick name they give him; the Goff name is.
 Q These others are the children of Washington Goff? A Yes.
 Q What is their mother's name? A Hulda Ann.
 Q Hulda Ann Goff? A Yes.
 Q What was she? A What do you mean by what is she?
 Q I mean was she Indian? A No, she ain't got any Indian blood in her.
 Q Well, what was she? A I don't know what she was; whether she was part negro or not.
 Q Was she white? A No, ginger-cake color.
 Q And these children of Washington Goff are your grandchildren? A Yes.
 Q Washington Goff gets his Indian blood through which one of his parents? A Only me I guess.
 Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.
 Q What blood did Nelson Hughes have? A He was darker than Washington Goff.
 Q Was he a negro? A He went for a negro; he wasn't out and out- I think he had some other blood in him.
 Q Was he a slave? A I don't think so; he wasn't.
 Q And these children of Washington Goff get their Choctaw blood through him and then through you? A Yes.
 Q And what relation would your father be to these children of Washington Goff? A Grandfather;
 Q What relation would your father be to Washington Goff? A Grandfather.
 Q Well, then what relation would your father be to these children of Washington Goff? A Grandfather.
 Q Well, your husband would be their grandfather wouldn't he?
 A Yes, you asked that didn't you?
 Q No, I asked you what your father would be to them? Wouldn't your father be Washington Goff's grandfather? A I reckon so; of course he would.
 Q What relation would he be to Washington's children then? Would 't they be his great-grandchildren? A Yes, I suppose so.
 Q They get their Choctaw blood from your father or your mother?
 A I reckon they would get a little of it from my father and my ~~wife~~ father's wife, their great-grandfather and great grandmother. I reckon it would be mixed that a way.
 Q What was your father's name? A Octavius Harvey.
 Q What was your mother's name? A Mary Harvey.
 Q And these children, Washington Goff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
 Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
 Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
 Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.
 Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.

Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
 Q You don't know his given name? A No.
 Q Do you know the name of Octavius Harvey's mother? A No.
 Q Do you know the name of Nelson Hughes father? A No.
 Q Do you know the name of Nelson Hughes' mother? A No.
 Q Do you know whether they ever lived in Mississippi? A If they did, I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.
 Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States?
 A I don't know anything about that.
 Q Do you know whether they came West with the other Indians to the present Indian Territory between 1838 to 1839? A No, I know they didn't, 'cause I know when the Indians come from the Nation over here and they didn't come with them.
 Q Where were you then? A I was in Mississippi then.
 Q Were they living then? A No, they were not.
 Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
 Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
 Q Well was not when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
 Q Did you go to the Indian agent there in Mississippi and told him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
 Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
 Q Did you have any Choctaw name? A They always took me and told me I was kin to them.
 Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Choc", and said I was kin to them; I used to get mad at them when they told me.
 (To Washington Goff):
 Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Linebaugh

Notary Public.

Muskogee, Indian Territory, August 6, 1901.

Mr. Henry Ryington,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25th, enclosing affidavits of Washington Goff and Elizabeth Littlejohn, and certified copies of affidavits of Albert York, and Austin White, which you offer for filing in support of the application of Elizabeth Goff for identification of herself and her minor children as Mississippi Choctaws.

The same has been made a part of the records in this case and will receive the consideration of the Commission in the disposition of this claim.

Yours truly,

MO-2911

COPY.

M.C.R. 2811.

Muskegee, Indian Territory, September 4, 1902.

Eliza Goff,
Paris, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Lelia Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses

I.C. #2.

and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Hrujah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Maysea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Doby.

Acting Chairman.

Registered.

M.C.R. 2811

Muskogee, Indian Territory, December 22, 1902.

Elisa Goff,

Paris, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Tame Dixby
Acting Chairman.

No. 2811

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *Eliza Goff*

Age *34* Blood *1/4 claim 1/3*

Post Office, *Paris Texas*

Father: *Nash Goff*

Mother: *Hilda Ann Goff negro*

Claims through *father*
husband *black* *white* (divorced) *negro*
(no claim for him)

Children:

Christopher white 14

Maria " 12

Erezah " F 10

Bridie " F 9

McKerley " 4

*Claims for herself and
five children*

Stenographer

Henry G. Harris

FOR IDENTIFICATION AS

R.

2811

Eliza Goff et al

ADMISSION RECEIPT

CH. 11

DEC - 8 1902

723

CHOCTAW MCR 2812

GREEN GOFF

MCR 2812

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

#2812

In the matter of the application of Green Goff for the identification of himself and his five minor children as Mississippi Choctaws.

Green Goff having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Green Goff.
Q What is your age? A Thirty.
Q What is your post office address? A Paris, Texas.
Q How long have you lived there? A Always in Texas.
Q And you never have had a home any where outside of Texas? A No.
Q Were you born in Texas? A Yes.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One third.
Q How much Choctaw blood had your father? A One half.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not as I know of; he applied here but never has been enrolled as I know of.
Q What is your mother's blood? A I suppose she is just a colored person; negro- I don't know anything else.
Q Your father was half Choctaw; what was the other half? A Negro.
Q Was your father ever a slave? A Yes.
Q Was your mother ever a slave? A Yes.

In M.C.R.#1524, application of Washington Goff, evidence of the marriage of Washington Goff to Hulda Ann Goff was filed.

- Q Are you married? A Yes.
Q What is your wife's name? A Arthusie Goff.
Q Is she living? A Yes.
Q Do you make application for your wife? A Yes.
Q Has she Choctaw blood? A No; only through me.
Q How do you claim for her then? A I am not making for her any; anything I get she will get too.
Q What is she? A White blood and colored- that's all I know.
Q You don't make any application for her? A No.
Q Have you any children for whom you wish to make application at this time? A Yes I have five.
Q Give the names and ages of these children. A William Wesley Goff, seven; Walter Anderson Goff, five; Verner Goff, three; Maysea Goff, (Girl), two.
Q Next? A He ain't named yet; to tell the truth- you name him (turning to some of her people.)
(he is named Godfrey.)
Q How old is Godfrey? A About sixteen days.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Arthusie Goff.
Q When and where were you married to her? A In '93 in Texas.

Green Goff----2

Q Did you obtain a license to marry? A Yes.

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A An ordained minister

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes.

Q Have you them with you? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application on behalf of your minor children.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No, not as I knew of.

Q Did you make any such application? A No.

Q Did you authorize any one to make such application for you? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the ~~authorities of the~~ Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No, not as I knew of.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your rights as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Didn't you hear that article read just a few moments ago? A Yes.

Q Do you claim under that article? A Well that's a hard question; its no use for me to say yes; didn't I justify to say any.

Q Well, you can claim under it? A Yes.

Q And the Commission has only authority to identify those Choctaw Indians who do claim under the fourteenth article of the treaty of 1830? A I guess I do.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors whom were recognized members of the Choctaw Nation in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians, and acknowledged members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama? A I don't know.

Q You don't know what was the name of your ancestor who lived in Mississippi in 1830? A No, I don't know what a roundcestor means.

Q Well, it means your foreparents, your father or mother, grandfather or grandmother or great-grandparents any of your people in a direct line. A My grandmother was named Lizzie.

Q Lizzie what? A Lizzie Littlejohn.

Q Was she living in Mississippi in 1830? A I don't know.

Q Was her father or mother? A I think she claimed her father was.

Q What was his name? A Octavius Harvey.

Green Goff--3

A Ootivish Harvey I think something like that.

Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe at that time? A No.

Q Did these ancestors, if Choctaw Indians, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Not as I know of.

Q If they did not remove with the other members of the tribe, did they within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Not as I know of.

Q Have any of your ancestors ever received or claimed any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A Not now.

Q Do you want time--? A Yes.

Thirty days is allowed applicant in which to produce further evidence in support of his application for identification.

The decision of the Commission as to your application for the identification of yourself and your minor children as Mississippi Choctaws will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the 21st. Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you at your post office address as given by you in your testimony.

This applicant is apparently a negro.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24 day of July, 1901.

R. H. Linebaugh.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 2824

In the matter of the application of William Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811

In the matter of the application of Green Goff ^{et al.} for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812

In the matter of the application of Lula Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813

In the matter of the application of Horner Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Lizzie Littlejohn; Elizabeth Littlejohn; they call me Lizzie for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County.
- Q Texas? A Yes.
- Q Do you know Washington Goff? A That's my son.
- Q Horner Lockhart? A My granddaughter.
- Q Anderson Goff? A Yes.
- Q Green Goff? A Yes.
- Q William Goff? A Yes.
- Q Carrie Bailey? A Yes.

Q Lula Goff? A Yes.

Q Eliza Goff? A Yes.

Q What relation was Washington Goff to you? A My son; my first child.

Q What relation are all these others? A My grand-children.

Q These children are they? A Washington Goff's children is my grandchildren.

Q Are these all the children of Washington Goff? A Yes, they all is his own true grown children.

Q What is Washington Goff's father's name? A Nelson Hughes; that's right; the Goff name is only a nick name they give him; the Goff name is.

Q These others are the children of Washington Goff? A Yes.

Q What is their mother's name? A Hulda Ann.

Q Hulda Ann Goff? A Yes.

Q What was she? A What do you mean by what is she?

Q I mean was she Indian? A No, she ain't got any Indian blood in her.

Q Well, what was she? A I don't know what she was; whether she was part negro or not.

Q Was she white? A No, ginger-cake color.

Q And these children of Washington Goff are your grandchildren? A Yes.

Q Washington Goff gets his Indian blood through which one of his parents? A Only me I guess.

Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.

Q What blood did Nelson Hughes have? A He was darker than Washington Goff.

Q Was he a negro? A He went for a negro; he wasn't out and out- I think he had some other blood in him.

Q Was he a slave? A I don't think so; he wasn't.

Q And these children of Washington Goff get their Choctaw blood through him and then through you? A Yes.

Q And what relation would your father be to these children of Washington Goff? A Grandfather;

Q What relation would your father be to Washington Goff? A Grandfather.

Q Well, then what relation would your father be to these children of Washington Goff? A Grandfather.

Q Well, your husband would be their grandfather wouldn't he?

A Yes, you asked that didn't you?

Q No, I asked you what your father would be to them? Wouldn't your father be Washington Goff's grandfather? A I reckon so; of course he would.

Q What relation would he be to Washington's children then? Would 't they be his great-grandchildren? A Yes, I suppose so.

Q They get their Choctaw blood from your father or your mother?

A I reckon they would get a little offit from my father and my ~~wife's~~ father's wife, their great-grandfather and great grandmother. I reckon it would be mixed that a way.

Q What was your father's name? A Octavius Harvey.

Q What was your mother's name? A Mary Harvey.

Q And these children, Washington Goff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.

Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.

Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.

Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.

Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.

Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
 Q You don't know his given name? A No.
 Q Do you know the name of Octavius Harvey's mother? A No.
 Q Do you know the name of Nelson Hughes father? A No.
 Q Do you know the name of Nelson Hughes' mother? A No.
 Q Do you know whether they ever lived in Mississippi? A If they did, I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.
 Q Did you say you know whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States?
 A I don't know anything about that.
 Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 to 1838? A No, I know they didn't, 'cause I know when the Indians come from the Nation over here and they didn't come with them.
 Q Where were you then? A I was in Mississippi then.
 Q Were they living then? A No, they were not.
 Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
 Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
 Q Well was that when all the Indians came from Mississippi over here- when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
 Q Did you go to the Indian agent there in Mississippi and told him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
 Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
 Q Did you have any Choctaw name? A They always took me and told me I was kin to them.
 Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Choc", and said I was kin to them; I used to get mad at them when they told me.
 (To Washington Off):
 Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Linebaugh

Notary Public.

Muskogee, Indian Territory, August 6, 1901.

Henry Byington,
Attorney at Law,
Oadde, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 26th, enclosing certified copies of affidavits of Albert York, and Austin White and affidavit of Washington Goff and Elizabeth Littlejohn, and marriage license and certificate between Green Goff, and Arthusia Minter, which you offer for filing in support of the application of Green Goff for identification of himself and minor children as Mississippi Choctaws.

You are advised that the same have been made a part of the record in this case and will receive the consideration of the Commission in determining the rights of this applicant.

Yours truly,

MO-2812

M.C.R. 2812.

CC-

Muskogee, Indian Territory, September 4, 1902.

Green Goff,

Paris, Texas.

Dear Sir:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Jorher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the

G.G. #2.

Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erubah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Waysea Goff, Godfrey Goff, Leila Goff, Norner Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Wm. D. Dwyer

Acting Chairman.

Registered.

COPY

M.C.R. 2812

Muskogee, Indian Territory, December 22, 1902.

Green Goff,

Paris, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

James D. Dyer
Acting Chairman.

No. 2812

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Green Goff

Age 30

Blood (claim $\frac{1}{2}$) $\frac{1}{4}$

Post Office, Paris, Texas

Father: Wash Goff

Mother: Hulda " negro

Claims through father
wife Othusa Goff (negro)
(no claim for her)

Children:

William Wesley Goff	7
Walter A "	5
Verner "	3
Maysea " F	2
Godfrey "	16 da.

Claims for himself and
five minor children.

Stenographer

Henry G. Hains

A MISSISSIPPI
Green Goff et al

REFUSED

DECISION RENDERED. SEP 4 1902

NOTICE OF DECISION MAILED APPLICANT

R. 2812

SEP 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHICKASAW AND CHICKASAW NATIONS.

RECORDS, BUREAU OF INDIAN AFFAIRS

ACTION APPROVED BY SECRETARY OF INTERIOR,

DEC - 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDING

DEC 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICKASAW
AND CHICKASAW NATIONS

1902

REFER TO M. C. R. 2923

CHOCTAW MCR 2813

LEILA GOFF

MCR 2813

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 2, 1901.

2513

In the matter of the application of Leila Goff for identification as a Mississippi Choctaw.

Leila Goff being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Leila Goff.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Paris, Texas.
Q How long have you lived there? A All my life.
Q Born in Texas, were you? A Yes.
Q Never had a home any where else? A No.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One third.
Q How much Choctaw blood had your father? A One half.
Q And what was the other half? A I don't know.
Q What do you think it is? A African I reckon.
Q What was your mother? A African.
Q Was your mother ever a slave? A Yes.
Q Was your father a slave? A Yes.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A No, not until here; he came here lately.
Q You mean that he came here and made application for identification as a Mississippi Choctaw? A Yes.

On March 15, 1901, Washington Goff made application for identification as a Mississippi Choctaw; in this case, M.C.R.1524 was filed evidence of the marriage of Washington Goff to Hulda Ann

- Q Was your father ever enrolled by the Choctaw tribal authorities?
A No.
Q Are you married? A Yes.
Q What is your husband's name? A Joe Denison.
Q Is he living? A Yes.
Q What is he? A Negro.
Q Do you make application on behalf of your husband? A No.
Q Have you any children for whom you wish to make application at this time? A No.
Q Are you living with your husband? A Yes.
Q How does it happen that your names differ? A I was putting in claim for myself- I just thought- (No answer further).
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?
A No.
Q Did you or did any one for you in 1896 make application for citizenship in the Choctaw nation under Act of Congress of June 10,

1896, to the Commission to the Five Civilized Tribes? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q You heard that article read a few moments ago? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A What was the name of them?

Let's see- that was- you are speaking of my grandfather; he was Octavius Harvey, and my grandmother was Mary Harvey.

Q Is that your great-grandmother? A Yes.

Q Have you any evidence showing that they were recognized members of the Choctaw tribe of Indians in Mississippi at that time? A No.

Q Did they if Choctaw Indians, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Not as I know of.

Q If they did not remove with the other members of the tribe, did they, within six months after the ratification of the treaty of 1830 signify to the United States Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any benefits, any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Are there any additional statements you desire to make in support of your application? A No.

Q Have you any documentary evidence, any affidavits or any papers that you want to file now? A No.

Q Do want time in which to file any? A Yes.

Thirty days time is allowed applicant in which to file evidence in support of his claim.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of same be made to the Secretary of the Interior, conformable to the provisions of the fourteenth article of the Act of Congress of June 28, 1896 and a copy of the same will be mailed to you at your post-office address as given by you in your testimony.

This applicant is apparently a negro.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported

Willa Jeff--3

in full all proceedings had in the above entitled cause on July 2,
1901, and that the above and foregoing is a full, true and correct
transcript of his stenographic notes in said cause on said date.

Henry G. Haines

Subscribed and sworn to before me this 24 day of July, 1901.

W. H. Lincolnbaugh

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 1524

In the matter of the application of William Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2010.

In the matter of the application of Eliza Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2011

In the matter of the application of Green Goff ^{et al.} for identification as a Mississippi Choctaw heard at Atoka, I.T. July 2, 1901. M.C. R. 2012

In the matter of the application of Lula Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2013

In the matter of the application of Esther Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2014

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2015

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2016

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Lizzie Littlejohn; Elizabeth Littlejohn; they call me Lizzie for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County, Texas? A Yes.
- Q Do you know Washington Goff? A That's my son.
- Q Esther Lockhart? A My granddaughter.
- Q Anderson Goff? A Yes.
- Q Green Goff? A Yes.
- Q William Goff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Goff? A Yes.

POOR ORIGINAL -
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Q Lula Coff? A Yes.
Q Eliza Coff? A Yes.
Q What relation was Washington Coff to you? A My son; my first child.
Q What relation are all these others? A My grand-children.
Q Those children are they? A Washington Coff's children is my grandchildren.
Q Are these all the children of Washington Coff? A Yes, they all is his own true grown children.
Q What is Washington Coff's father's name? A Nelson Hughes; that's right; the Coff name is only a nick name they give him; the Coff name is.
Q These others are the children of Washington Coff? A Yes.
Q What is their mother's name? A Hulda Ann.
Q Hulda Ann Coff? A Yes.
Q What was she? A What do you mean by what is she?
Q I mean was she Indian? A No, she ain't got any Indian blood in her.
Q Well, what was she? A I don't know what she was; whether she was part negro or not.
Q Was she white? A No, pinner-cake color.
Q And these children of Washington Coff are your grandchildren? A Yes.
Q Washington Coff gets his Indian blood through which one of his parents? A Only me I guess.
Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.
Q What blood did Nelson Hughes have? A He was darker than Washington Coff.
Q Was he a negro? A He went for a negro; he wasn't out and out- I think he had some other blood in him.
Q Was he a slave? A I don't think so; he wasn't.
Q And these children of Washington Coff get their Choctaw blood through him and then through you? A Yes.
Q And what relation would your father be to these children of Washington Coff? A Grandfather.
Q What relation would your father be to Washington Coff? A Grandfather.
Q Well, then what relation would your father be to these children of Washington Coff? A Grandfather.
Q Well, your husband would be their grandfather wouldn't he?
A Yes, you asked that didn't you?
Q No, I asked you what your father would be to them? Wouldn't your father be Washington Coff's grandfather? A I reckon so; of course he would.
Q What relation would he be to Washington's children then? Would it they be his great-grandchildren? A Yes, I sup. ore so.
Q They get their Choctaw blood from your father or your mother?
A I reckon they could get a little from my father and my mother's father's side, their great-grandfather and great-grandmother. I reckon it would be mixed that way.
Q What was your father's name? A Octavius Harvey.
Q What was your mother's name? A Mary Harvey.
Q Are these children, Washington Coff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
Q Were they Choctaw Indians? A Yes; they said they were, I have to go by that I was told, cause I wasn't old enough to know nothing about it.
Q Did either one of them live in Mississippi in 1830? A No; they didn't; nary one of them live in Mississippi; they lived and died in Virginia.

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Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.

Q You don't know his given name? A No.

Q Do you know the name of Octavius Harvey's mother? A No.

Q Do you know the name of Nelson Hughes' father? A No.

Q Do you know the name of Nelson Hughes' mother? A No.

Q Do you know whether they ever lived in Mississippi? A If they did, I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.

Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States?

AA I don't know anything about that.

Q Do you know whether they came West with the other Indians to the present Indian Territory between 1835 to 1838? A No, I know they didn't, 'cause I know when the Indians come from the Nation over here and they didn't come with them.

Q Where were you then? A I was in Mississippi then.

Q Were they living then? A No, they were not.

Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.

Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.

Q Well was that when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.

Q Did you go to the Indian agent there in Mississippi and told him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I know he was all Indians back among the Indians.

Q Did anybody go for you? A I don't know as any of them took any interest in me at all.

Q Did you have any Choctaw name? A They always took me and told me I was kin to them.

Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Choo", and said I was kin to them; I used to get mad at them when they told me.
(To Washington Goff):

Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 12 day of August, 1901.

R. Hinebaugh

Notary Public.

Muskogee, Indian Territory, August 21, 1901.

Mr. Henry Byington,
Caddo, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 16, enclosing affidavits of Washington Goff and Elizabeth Littlejohn and ~~certified copies of the affidavits of Austin White and Albert York,~~ which you ask to have filed in support of the application of Lela Denton for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Lela Denton has ever appeared before the Commission for identification as a Mississippi Choctaw. It does appear, however, that on July 2nd Leila Goff, 26 years old, of Paris Texas, daughter of Washington Goff and Hulda Ann Goff, appeared before the Commission for identification as a Mississippi Choctaw. At that time she gave the name of her husband as Joe Denison, but when asked why she bore a different name from that of her husband she made no satisfactory reply.

If this is the party to whom you refer as Lela Denton kindly advise us and the matter will receive further consideration.

Yours truly,

M.C.2013.

Muskogee, Indian Territory, September 12, 1901.

Mr. Henry Byington,
Caddo,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 29th, in which you state that the affidavits of Elizabeth Littlejohn and Washington Goff, and certified copies of the affidavits of Albert York and Austin White, forwarded by you to this Office sometime since were intended to be filed in support of the application of Leila Goff of Denison, and ask that the same be so filed.

In reply to your letter you are advised that the same have been made a part of the record in this case, and will receive consideration in determining the rights of this applicant to identification as a Mississippi Choctaw.

Yours truly,

N.C.2813

M.C.R. 2813.

Muskogee, Indian Territory, September 4, 1902.

Leila Goff,
Paris, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses

L.O. #2.

and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Millie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erubah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Mayea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James D. Dwyer

Acting Chairman.

Registered.

M.C.R. 2813

COPY

Muskogee, Indian Territory, December 28, 1902.

Lella Coff,

Paris, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

John D. ...
Acting Chairman.

No. 2813

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name *Leila Soff*

Age *26* Blood *$\frac{1}{4}$ (claims $\frac{1}{2}$)*

Post Office, *Paris, Texas*

Father: *Washington Soff*

Mother: *Hulda Ann " negro*

Claims through father
husband: *Demson negro*

Children:

Stenographer

Henry G. Harris

Leila Goff

REFUSED

DECISION RENDERED. SEP 4 1902

NOTICE OF DEPARTMENT

K. 2813

SEP -4 1902

NOTICE OF DEPARTMENT
FOR THE DEPARTMENT OF THE INTERIOR

RECEIVED FORWARDED DEPARTMENT

ACTION APPROVED BY THE DEPARTMENT OF THE INTERIOR

DEC -8 1902

FORWARDED TO THE DEPARTMENT OF THE INTERIOR

DEC -8 1902

NOTICE OF DEPARTMENT OF ACTION
FOR THE DEPARTMENT OF THE INTERIOR
AND THE DEPARTMENT OF THE INTERIOR

RECEIVED DEPT. OF THE INTERIOR 2923

Applicant's name
appears in the testimony
~~as Lelia Goff~~
as Leila Goff.

On memorandum
slip, on jacket, and
on index, the name
is Lula Goff.

CHOCTAW MCR 2814

NORHER LOCKHART

MCR 2814

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 3, 1901.

2814

In the matter of the application of Norher Lookhart for identification as a Mississippi Choctaw.

Norher Lookhart being duly sworn on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Norher Lookhart.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Paris Texas.
Q Are you living in Texas? A Yes sir.
Q How long have you lived there? A All my life.
Q Never have lived anywhere else? A No sir.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes sir.
Q What is your mother's name? A Hulda Ann Goff.
Q Is your mother living? A Yes, she is living.
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.
Q Was your father a Choctaw Indian? A Yes sir.
Q How much Choctaw is he? A A half, I believe.
Q What other nationality did he belong to; what other blood did he have? A I don't know sir.
Q Does your father speak the Choctaw language? A I don't know sir.
Q Do you speak the Choctaw language? A No sir, I don't.
Q Has your father always lived in Texas? A I don't know where else he might have lived; he has been there since I was born.
Q Do you know anything about him further back than when you were born? A No sir.
Q Was your father ever a slave? A I don't know.
Q Wasn't he owned by white people in time of slavery? A Yes sir, I think he was.
Q Do you derive any Choctaw blood from your mother? A No sir.
Q What nationality was she? A Well, she was Ebo and African.
Q What do you mean by Ebo? A I don't know; she has always told me she was Ebo and African.
Q Was your mother ever a slave? A Yes sir.
Q How do you know that you are the child of Washington Goff and Hulda Ann Goff? A Cause they raised me and I have always called them mother and father.
Q Were they married? A Yes sir.
Q When? A When she was in slavery.
Q Have you any evidence of the fact that you are the child of Washington Goff and Hulda Ann Goff? A Yes sir.
Q What is it? A Why, everybody knew that I was his child where I was raised.
Q Have you any witnesses that could substantiate the fact that you are the child of Washington Goff? A I haven't any here, but they can be got easily.
Q When could you get your witnesses here to prove the fact that your father and mother were married? A I don't know; I can't tell you that.
Q How far do these witnesses live from here? A There is a man lives down here bymaddo that knows I was his child.

Q How did he know? A Well, he knew us all his life.
Q He knew that your father and mother were married? A Yes sir.
Q How much Choctaw blood do you claim? A Well, I don't know hardly; well, I suppose a half, I reckon; I don't know what you might call it. To go to the real truth about it; of course I have said what my father was and so it looks like you might suggest from that.
Q We are not here to make suggestions; you think the fact that your father was a half Choctaw and your mother a negro makes you half Choctaw? A No, sir, I don't think I am a half.
Q Well, how much are you? A I don't know.
Q Have you any Choctaw? A Yes sir.
Q How much? A Well, I can't tell you how much Choctaw blood in me.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
Q When? How was your father ever recognized as a member of the Choctaw tribe of Indians? A Recognized you say?
Q Yes; or enrolled? A He hasn't never tried before this time to get on the roll or nothing. This is the first time.
Q What do you mean by this? A Up to the time that he made application recently for identification as a Mississippi Choctaw, he had never been recognized in any manner or enrolled nor derived any benefits as a Choctaw Indian? A He benefits; that's it.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ed Lockhart.
Q Making any application for your husband? A No sir.
Q Have you any children? A No sir.
Q Just applying for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know, sir.
Q Do you know what is meant by the tribal rolls of the Choctaw Nation? A No sir.
Q That is the roll of citizens made up by the officials of the time from time to time of the recognized citizens of the Choctaw tribe.
A I don't understand that.
Q The rolls as made up by the officials of the Choctaw tribe from time to time of the recognized citizens of the Choctaw tribe. Have you ever been enrolled in that way? A No sir.
Q Did you ever apply, or did any one apply for you to be enrolled, to the Choctaw tribal authorities in Indian Territory, as a citizen of the Choctaw Nation? A No sir.
Q In 1896, under the Act of Congress of June 10, 1896, the Commission was empowered to hear original applications for citizenship in the Choctaw Nation; did you or any one for you at that time make such application? A No sir.
Q Have you in any manner been recognized as a citizen of the Choctaw Nation? A No sir, not till now.
Q You are not recognized now I will tell you for your own benefit;
Q Have you ever up to this time ever received any benefits or been recognized in any manner as a Choctaw Indian? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation in Indian Territory by United States Court? A No sir.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for enrollment or citizenship in the Choctaw Nation? A Well, I don't understand.
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be enrolled or admitted to citizenship in the Choctaw Nation?

A Well, Mister, you will have to make that plainer to me.
Q Do you know what I mean by application? A No.
Q Did you ever make any endeavor to be enrolled? A No sir.
Q Did any one in your behalf ever attempt to have your name placed on the Choctaw tribal rolls? A Well, not until my father was up here; I suppose he put in for me too; well if there has been before this time I don't know, anything about it.
Q Your father would not be able to make application for you for the reason that you are married and have reached your majority. Have any other applications been made? A Not that I know of.
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.
Q Is that correct? A Yes sir.
Q Do you understand what you are doing when you make such application? A I understand you to say was I a Mississippi Choctaw.
Q Well, that is what you are here for, isn't it, to make application for identification as a Mississippi Choctaw? A Yes sir.
Q Do you understand what that is? A No, not really.
Q Well, tell me what claim you make; why do you believe you have a claim? A Well, 'cause old heads does; says we was Choctaws.
Q What do you mean by old heads? A My father's people.
Q Who were they? A Well, my father's mother was named Lizzie Littlejohn.
Q Your father's mother? A Yes sir.
Q Was she Choctaw Indian? A Well, she was full-blood.
Q How much? A I think she was half.
Q Is your father's mother living? A Yes sir.
Q How old is she? A I can't tell.
Q About how old is she? A Well, I think- I don't know for certain, she was somewhere along in 80 or 90.
Q Where was she born? A I don't know.
Q Do you know anything about her? A I know her when I see her.
Q Did you ever hear her say anything about her Choctaw rights? A I never was around grandmother very much, no more than I have heard her talk about her father.
Q Who was her father? A Ootivish Harvish.
Q What is that? A Ootivish Harvish.
Q Do you understand that what rights you may have as a Mississippi Choctaw are dependent upon your compliance or your ancestors compliance with the provisions of the treaty of 1830 and that the proper spelling of the name of what ancestors you may have at that time is very material? How was the name then? A Ootivish Harvish; I don't know, I never did see him.
Q What relation was he to you? A My greatgrandfather.
Q Your mother's grandfather? A My grandfather I suppose.
Q That is, on your father's side? A Yes sir.
Q What do you know about him? A Who?
Q Your father's grandfather. A I never did see him.
Q Do you know anything about him? A No sir.
Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you know what that means? A Not hardly.
Q Have you ever read the fourteenth article of the treaty of 1830? A No sir, not as I can remember; I don't know as I have ever.
Q Can you read? A Yes sir, I can read.
Q The treaty of 1830 was made between the United States and the Choctaw Indians in Mississippi, and was made necessary by the fact that the State of Mississippi was becoming generally settled by white people, and so the United States government was desirous of removing the Indians from that country to some country West of the Mississippi. The United States Government found it impossible to prepare or submit any treaty to the Choctaw Indians in Mississippi that did not provide that these Choctaw Indians who desired to remain there in the State of Mississippi could do so, and therefore, it was necessary that some

Warner Lockhart-4

such provision be incorporated in the treaty and the fourteenth article, providing for those Choctaw Indians who desired to remain, was included in the treaty; after which it was duly ratified. This article provides that- "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent (that is, to the United States Agent to the Mississippi Choctaw Indians in Mississippi) within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to be adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." The Commission is of the opinion that, under the authority vested in it by law as to the identification as Mississippi Choctaws, it will be necessary that you show that you are a descendant of one who complied himself with the provisions of this fourteenth article of the treaty of 1830. Now, was your great-grandfather, Ostivish Harvish, a resident of Mississippi at the time this treaty was made between the United States and the Choctaw Indians? A I don't know; he was a full-blood Choctaw- he was a half.

Q How do you know that? A Because I have heard my father say that he was; also my grandmother.

Q Where did he live? A I don't know.

Q Have you any testimony of witnesses as to this man's residence in Mississippi at that time? A I can't say anything, only, my grandmother knows something about that; I don't know anything about that for I haven't seen him in my life; I have heard her talk about it and also my father.

Q Where is your grandmother? A In DeKalb she was; but she is somewhere with her children now; I don't know whether she is in Paris or on the river.

Q Could you bring her up here to testify? A I suppose she will be up here in a week or so; her and my father is coming together; she didn't come this time, because she was sick.

Q Have you any knowledge of any compliance of any of your ancestors with the provisions of the fourteenth article of the treaty of 1830? A What's that?

Q Have you any knowledge that any of your ancestors ever complied with the provisions of the treaty of 1830 article fourteen? A I don't know what that means.

Q You understand what I read to you just now, don't you? A Not all of it.

Q Do you understand the explanation as to what the fourteenth article of the treaty of 1830 was? A Not good.

Q Do you know how long ago 1830 was? A No sir.

Q Have you any idea of numbers? A I suppose it has been quite a while, though.

Q About how long? A I can't say.

Q Do you know of any witnesses that could testify materially to the fact of any of your ancestors living in Mississippi in 1830?

A No sir all I can say about that is through my grandmother and father; I guess they know where they all lived; I have heard them talk about living in Mississippi, but I don't know whether they lived there or not; I have heard them say that they have.

Norher Lockhart---5

Q Through your own personal knowledge you knew nothing of your ancestors' residence in Mississippi or of their compliance with this treaty? A Do I know if I have lived there or not?

Q No, your ancestors, your fore-parents. A Well, my father and grandmother did.

Q Do you know that? A I don't know myself; I can just take their word for that.

Q Did your father come from Mississippi to Texas? A Yes sir, I think he did.

Q When? A I don't know when.

Q Why do you think so? A Because I heard him talking about living up there.

Q Where did he live in Mississippi? A I don't know.

Q Whereabouts? A (No answer).

Q Did you ever hear of any of your ancestors, your grandparents or any of your fore-parents, ever receiving any land in Mississippi from the United States Government under that treaty of 1830?

A If they ever owned any land, I don't know anything about it.

Q Will you make as clear and concise a statement as you can as to what rights you claim as a Mississippi Choctaw? A With my own knowledge?

Q Yes. A I must tell you the truth.

Q That is what we want; just as full a statement as to what your rights are as a Mississippi Choctaw, and as to what your special claim is. A Well, I suppose- I reckon- I don't know; we are about

a third or a fourth, somewhere along there, I reckon; I don't know.

Q That is what you believe is the amount of Choctaw blood you have?

Q I reckon; I don't know; I just simply can't say if I don't know, but that is my suggestion.

Q Your purpose in coming before the Commission is to be identified as a Mississippi Choctaw? A Yes sir.

Q You understand that if you are identified there are certain valuable property interests to it; you understand that? A Yes sir.

Q Well, why do you think you are entitled to any property in this Choctaw country here? Tell me what is your claim; tell me just what your idea is in coming here? A Well, 'cause I think I have a right here.

Q Is that all? Is that all the reason you have for coming here?

A Well, that is part of it.

Q Well, what is the rest of it? A Well, because of my father being part Indian, and my grandma and great-grandfather; that's why I come.

Q Well, have you any evidence of these facts, that is, that your father or grandma or great-grandfather being Choctaw Indians?

A Well, I just took their word for it.

Q Can you bring them here to testify to it? A They will be here; my grandmother and father will, but my grandfather is dead, he can't come.

Q Have you any documentary evidence, affidavits, written testimony of any description, or copies of records, deeds or patents, or any other proper papers showing that your ancestors were in any manner recognized as members of the Choctaw tribe in Mississippi or that they ever received any benefits under the fourteenth article of the treaty of 1830? A Well, I don't understand that.

Q Have you any papers, any written evidence, affidavits or deposition or anything of that kind that would show that your fore-parents were in any manner recognized as members of the Choctaw tribe in Mississippi. A No sir.

Q Should you in the future desire to submit to the Commission the testimony of any witnesses in person, or the affidavits or depositions of any persons having knowledge of your ancestors Choctaw blood or of the compliance of such ancestors with the provisions of the fourteenth article of the treaty of 1830, the Commission will accept

Herbert Lockhart-----6

the same for consideration in support of your application.

Evidence of the marriage of Washington Goff and Hilda Ann Goff was filed in case of Washington Goff, #1524 MS C. R.

Q You have never lived in the Indian Territory, have you? A No sir.

The applicant in this case has every appearance of a full-blood negro; she has none of the characteristics of a Choctaw Indian; is unable to speak the Choctaw language, and at the time of this testimony, appears in total ignorance of any compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, or any other recognition by either the Choctaw tribal authorities or the authorities of the United States of her ancestors as Choctaw Indians.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of July 1901.

R. W. Linsbaugh

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 18, 1901. M.C.R. 1524.

In the matter of the application of William Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811.

In the matter of the application of Green Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812.

In the matter of the application of Lula Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813.

In the matter of the application of Nerher Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814.

In the matter of the application of Anderson Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815.

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816.

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission.

- Q What is your name? A Bessie Littlejohn; Elizabeth Littlejohn; they call me Liza is for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County, Texas? A Yes.
- Q Do you know Washington Geff? A That's my son.
- Q Nerher Lockhart? A My grand daughter.
- Q Anderson Geff? A Yes.
- Q Green Geff? A Yes.
- Q William Geff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Geff? A Yes.
- Q Eliza Geff? A Yes.
- Q What relation was Washington Geff to you? A My son; my first child.
- Q What relation are all these others? A My grand children.
- Q Whose children are they? A Washington Geff's children is my grand children.
- Q Are these all the children of Washington Geff? A Yes, they all is his own true grown children.

- Q What is Washington Goff's father's name? A Nelson Hughes; that's right; the Goff name is only a nick name they give him; the Goff name is.
- Q These others are the children of Washington Goff? A Yes.
- Q What is their mother's name? A Hulda Ann.
- Q Hulda Ann Goff? A Yes.
- Q What was she? A What do you mean by what is she?
- Q I mean was she Indian? A No, she ain't got any Indian blood in her.
- Q Well, what was she? A I don't know what she was; whether she was part negro or not.
- Q Was she white? A No, ginger-cake color.
- Q And these children of Washington Goff are your grand children? A Yes.
- Q Washington Goff gets his Indian blood through which one of his parents? A Only me I guess.
- Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.
- Q What blood did Nelson Hughes have. A He was darker than Washington Goff.
- Q Was he a negro? A He went for a negro; he wasn't out and out, I think he had some other blood in him.
- Q Was he a slave? A I don't think so; he wasn't.
- Q And these children of Washington Goff get their Choctaw blood through him and then through you? A Yes.
- Q And what relation would your father be to these children of Washington Goff? A Grandfather.
- Q What relation would your father be to Washington Goff? A Grandfather.
- Q Well, then, what relation would your father be to these children of Washington Goff? A Grandfather.
- Q Well, your husband would be their grandfather wouldn't he? A Yes, you asked that didn't you?
- Q No, I asked you what your father would be to them? Wouldn't your father be Washington Goff's grandfather? A I reckon so; of course he would.
- Q What relation would he be to Washington's children then? Wouldn't they be his great grandchildren? A Yes, I suppose so.
- Q They get their Choctaw blood from your father or your mother? A I reckon they would get a little of it from my father and my father's wife, their great grandfather and great grandmother. I reckon it would be mixed that way.
- Q What was your father's name? A Octavius Harvey.
- Q What was your mother's name? A Mary Harvey.
- Q And these children, Washington Goff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
- Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
- Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
- Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.
- Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.
- Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
- Q You don't know his given name? A No.
- Q Do you know the name of Octavius Harvey's mother? A No.
- Q Do you know the name of Nelson Hughes father? A No.
- Q Do you know the name of Nelson Hughes mother? A No.
- Q Do you know whether they ever lived in Mississippi? A If they did I don't know it; I never did know anything about it; I knew they did not live in Mississippi 'cause they told me they died in Virginia.

- Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know anything about that.
- Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 and 1838? A No, I know they didn't 'cause I knew when the Indians came from the nation over here and they didn't come with them.
- Q Where were you then? A I was in Mississippi then.
- Q Were they living then? A No. They were not.
- Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
- Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
- Q Well, was that when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
- Q Did you go to the Indian agent there in Mississippi and tell him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
- Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
- Q Did you have any Choctaw name? A They always took me and told me I was kind to them.
- Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Chec", and said I was kin to them; I used to get mad at them when they told me. (To Washington Geof)
- Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.

(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Henry G. Hains

Subscribed to and sworn to before me this 14th day of Sept, 1901.

Wm. Shelby
Notary Public

Muskogee, Indian Territory, September 12, 1901.

Mr. Henry Byington,

Gadde,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 1st, enclosing affidavit of Elizabeth Littlejohn, and certified copies of the affidavits of Austin White, Albert York and Washington Geff, which you offer for filing in support of the application of Mindra Lockhart for identification as a Mississippi Choctaw.

You are advised that the same have been filed and made a part of the record in the matter of the application of Norther Lockhart for identification as a Mississippi Choctaw.

Yours truly,

M.C. 2814.

COPY.

M.C.R. 2814.

Muskogee, Indian Territory, September 4, 1902.

Norher Lockhart,

Paris, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Elisa Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred

N.L. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Brumah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Maysea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamie Dinty

Acting Chairman.

Registered.



1903

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75

address unknown

~~NOT A WHITE~~

~~Norther Lockhart,~~

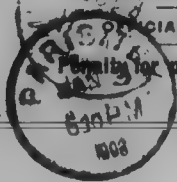
~~Paris, Texas~~

Grant, J. J.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



SPECIAL DELIVERY

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COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2814

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 22, 1902.

Worther Lockhart,

Paris, Texas.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,


Acting Chairman.

No. 21

For Identification as a Mississippi Choctaw.

Date

JUL 2- 1901

Name

Norher Lockhart.

Age

24

Blood

1/4

Post Office,

Paris, Texas.

Father:

Washington Goff - ✓

Mother:

Nelda Ann Goff - ✓

Claims through

father

HUSBAND:

E. J. Lockhart.

(no claim for husband).

Children:

Claims for herself alone.

Stenographer

Henry Haines.

Norher Lockhart

REFUSED

DECISION RENDERED. SEP 4 1902

NATION

R. 284

SL.

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS

REG. DEPARTMENT

SEP - 1 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC - 8 1902

NOTICE OF DEPARTMENTAL ACTION

FOR CHOCTAW AND CHICKASAW NATIONS

DEC 22 1902

NOTICE OF DEPARTMENTAL ACTION
FOR CHOCTAW AND CHICKASAW NATIONS

DEC 22 1902

REFER TO R 2902

CHOCTAW MCR 2815

ANDERSON GOFF

MCR 2815

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 3, 1901.

2815

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw.
Anderson Goff being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Anderson Goff.
Q What is your age? A About twenty-three years age.
Q What is your post-office address? A Paris, Texas.
Q Do you live there? A Yes, I have been living in Texas all my life.
Q Were you born in Texas? A Yes.
Q Never have had a home anywhere else? A No.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents you derive your Choctaw blood?
A By my father's.
Q How much Choctaw blood do you claim? A I claim a quarter.
Q How much did your father have? A One half.
Q What was the other half? A Negro.
Q What was your mother? A Negro.
Q Was your father a slave? A Yes.
Q Was your mother a slave? A Yes.
Q You, yourself, were never a slave? A No.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Not as I know of.
Q Are you married? A No.
Q You are making this application for yourself alone? A Yes.
Q Were your father and mother married? A Yes.
Q When? A I don't know.
Q Were they married by a minister? A I don't know, but they was married.
Q Have you any evidence that they were ever married? A I suppose father has but I hasn't; I just takes their word for it, that they was married.

In Mississippi Choctaw case, #1584, Washington Goff et al, heard March 15, 1901, it appears that Washington Goff has filed evidence of his marriage to Hulda Ann Goff. Washington Goff, the father of this applicant.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not as I know of.
Q Have you ever made application to the Choctaw tribal authorities here in the Indian Territory to be enrolled as a member of that tribe?
A No.
Q Did you or anybody for you in 1896 make application to the Commission to the Five Civilized Tribes, that is, this Commission, for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A Not as I know of.
Q Did you make any such application? A No.
Q Did any body make one for you? A Not as I know of.
Q Well, you would know wouldn't you? A I guess so.

Q You don't think that such application was made for you? A No.

Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the judgment of the United States Court in Indian Territory or by this Commission? A Not as I know of.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be enrolled as a member of that tribe? A No.

Q Is this the first application that you have ever made of any description? A Yes.

Q Do you wish to make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Do you know what that article is? A Well, I guess I do.

Q Do you understand it? A I think so.

Q What is it? A Well, I just can't explain it like it should be, but I think I does know.

Q Well, let us have your explanation. A Well, I knows its the Indians that didn't get any rights in Mississippi could get a right in the Choctaw nation; I guess that's my understanding.

Q The treaty of 1830 was made between the United States and the Choctaws living in Mississippi. The United States wanted to remove the Choctaw Indians to a country West of the Mississippi, and they couldn't get the Choctaws to agree to sign any treaty until they made provision for those Choctaw Indians who didn't want to come West but who wanted to stay in Mississippi; and so they put this fourteenth article into the treaty and then it was ratified by the Choctaw Indians and the United States. This fourteenth article provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be living with him under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said ^{improvement} shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Do you understand that? A Yes.

Q You understand that those Indians who wanted to stay there in Mississippi could stay there by going to the Indian Agent and telling him that they wanted to stay in Mississippi and take land there. If they did that within six months after this treaty was ratified, they would be allowed to have this land in Mississippi; and if they ever removed they were not to lose the privilege of a Choctaw citizen, but they were not to be entitled to any portion of the Choctaw annuity. You claim this right under this article? A Yes.

Q Do you claim under any other article or treaty or law? A No.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors? A Not as I knows of.

Q What was the name of your ancestors, your fore-parents, your grandfather or grandmother or great-grandparents who lived in Mississippi in 1830 at the time this treaty was made, and who was a recognized member of that tribe? A Well, my great-grandfather was named Octavius Harvey.

Q Octavius Harvey? A Yes.

- A And my great-grandmother was named Mary.
- Q Was your great-grandmother an Indian? A Half.
- Q And your great-grandfather was a full-blood Choctaw? A Yes.
- Q Have you any evidence of that fact? A Yes.
- Q What kind of evidence? A Well, I have got some evidence, of course I can't present them right away but I can get them.
- Q Well, what kind of evidence is it? A What kind?
- Q Yes, what does it consist of; what is it? A I guess to prove that they was.
- Q Well, do you want to bring people here before the Commission in person or do you want to take their affidavits or depositions?
- A I could get affidavits.
- Q What is your grandmother's name? A Lizzie Littlejohn.
- Q She was Lizzie Harvey before she married? A Yes.
- Q Is she living? A Yes.
- Q Does she know anything about your great-grandfather's having been an Indian in Mississippi in 1830? A Has been an Indian--
- Q Does she know that your great-grandfather was a Choctaw Indian who lived in Mississippi in 1830? A Yes.
- Q Could you get her evidence? A Yes.
- Q Did this Octavius Harvey or Lizzie Littlejohn, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Well, I don't know.
- Q Well, do you know whether either one of them went to the Indian Agent there in Mississippi within six months after this treaty was ratified, this treaty of 1830, and told him that they wanted to remain in Mississippi and become citizens of the United States?
- A Not as I knows of.
- Q Does your grandmother know anything about that? A I don't know.
- Q Have any of your ancestors, your fore-parents, ever received any land in Mississippi from the government of the United States? A I don't know.
- Q You knew of their owning any? A No.
- Q Never heard of it? A No.
- Q Never heard of their getting any scrip or money? A No.
- Q Are there any other statements you want to make in support of this application? A No, I guess not.
- Q Have you any documentary evidence that you want to file, affidavits, copies of records, deeds or patents or any papers showing that your ancestors were recognized Indians living in Mississippi in 1830?
- A Well, I can't right now, but I can pretty soon.
- Q Should you desire in the future to offer any evidence, depositions or affidavits of witnesses, or oral testimony, you will be permitted to do so.

This applicant appears to be full-blood negro and shows no characteristics of an Indian. He has very kinky hair and broad, flat nose and other characteristics of the negro race.

Q Can you speak Choctaw? A No.

Cannot speak the Choctaw language and does not know of any compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct

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transcript of his stenographic notes in said cases on said date.

Henry G. Thaine

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Linebaugh
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 1884.

In the matter of the application of William Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811.

In the matter of the application of Green Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812.

In the matter of the application of Lula Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813.

In the matter of the application of Werher Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814.

In the matter of the application of Anderson Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815.

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816.

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission.

- Q What is your name? A Bizzie Littlejohn; Elizabeth Littlejohn; they call me Liza is for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County, Texas? A Yes.
- Q Do you know Washington Geff? A That's my son.
- Q Werher Lockhart? A My grand daughter.
- Q Anderson Geff? A Yes.
- Q Green Geff? A Yes.
- Q William Geff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Geff? A Yes.
- Q Eliza Geff? A Yes.
- Q What relation was Washington Geff to you? A My son; my first child.
- Q What relation are all these others? A My grand children.
- Q Whose children are they? A Washington Geff's children is my grand children.
- Q Are these all the children of Washington Geff? A Yes, they all is his own true grown children.

- Q What is Washington Geff's father's name? A Nelson Hughes; that's right; the Geff name is only a nick name they give him; the Geff name is.
- Q These others are the children of Washington Geff? A Yes.
- Q What is their mother's name? A Hulda Ann.
- Q Hulda Ann Geff? A Yes.
- Q What was she? A What do you mean by what is she?
- Q I mean was she Indian? A No, she ain't got any Indian blood in her.
- Q Well, what was she? A I don't know what she was; whether she was part negre or not.
- Q Was she white? A No, ginger-cake color.
- Q And these children of Washington Geff are your grand children?
- A Yes.
- Q Washington Geff gets his Indian blood through which one of his parents? A Only me I guess.
- Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.
- Q What blood did Nelson Hughes have. A He was darker than Washington Geff.
- Q Was he a negre? A He went for a negre; he wasn't out and out, I think he had some other blood in him.
- Q Was he a slave? A I don't think so; he wasn't.
- Q And these children of Washington Geff get their Choctaw blood through him and then through you? A Yes.
- Q And what relation would your father be to these children of Washington Geff? A Grandfather.
- Q What relation would your father be to Washington Geff? A Grandfather.
- Q Well, then, what relation would your father be to these children of Washington Geff? A Grandfather.
- Q Well, your husband would be their grandfather wouldn't he?
- A Yes, you asked that didn't you?
- Q No, I asked you what your father would be to them? Wouldn't your father be Washington Geff's grandfather? A I reckon so; of course he would.
- Q What relation would he be to Washington's children then? Wouldn't they be his great grandchildren? A Yes, I suppose so.
- Q They get their Choctaw blood from your father or your mother?
- A I reckon they would get a little of it from my father and my father's wife, their great grandfather and great grandmother. I reckon it would be mixed that way.
- Q What was your father's name? A Octavius Harvey.
- Q What was your mother's name? A Mary Harvey.
- Q And these children, Washington Geff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
- Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
- Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
- Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.
- Q Did either one of them live in Mississippi in 1830? A No; they didn't marry one of them live in Mississippi; they lived and died in Virginia.
- Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
- Q You don't know that his given name? A No.
- Q Do you know the name of Octavius Harvey's mother? A No.
- Q Do you know the name of Nelson Hughes father? A No.
- Q Do you know the name of Nelson Hughes mother? A No.
- Q Do you know whether they ever lived in Mississippi? A If they did I don't know it; I never did know anything about it; I knew they did not live in Mississippi 'cause they told me they died in Virginia.

- Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know anything about that.
- Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 and 1838? A No, I know they didn't 'cause I know when the Indians come from the Nation over here and they didn't come with them.
- Q Where were you then? A I was in Mississippi then.
- Q Were they living then? A No. They were not.
- Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
- Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
- Q Well, was that when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
- Q Did you go to the Indian agent there in Mississippi and tell him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
- Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
- Q Did you have any Choctaw name? A They always took me and told me I was kind to them.
- Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Choc", and said I was kin to them; I used to get mad at them when they told me. (To Washington Goof)
- Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.
- (Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed to and sworn to before me this 14th day of Sept, 1901.

William Shelby
Notary Public.

Muskogee, Indian Territory, September 12, 1901.

Mr. Henry Byington,
Caddo,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, enclosing affidavit of Elizabeth Littlejohn, and certified copies of the affidavits of Washington Goff, Albert York, and Austin White, to be used as evidence in the case of Anderson Goff.

In reply to your letter you are advised that the same have been made a part of the record in this case, and will receive consideration in determining the rights of the applicant to identification as a Mississippi Choctaw.

Yours truly,

M.C. 2815.

M.C.R. 2815.

Muskogee, Indian Territory, September 4, 1902.

Anderson Goff,
Paris, Texas.

Dear Sir:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi

Cheetaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Berner Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred

A.G. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erubah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Laysea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Edna Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James M. Lacey.

Acting Chairman.

Registered.

M.C.R. 2815

Muskogee, Indian Territory, December 22, 1902.

Anderson Goff,

Paris, Texas.

Dear Sir;

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

No. 2815

For Identification as a Mississippi Choctaw.

Date JUL 3- 1901

Name *Anderson Goff*

Age *29* Blood *1/4*

Post Office, *Paris, Texas.*

Father: *Washington Goff - ✓*

Mother: *Hulda Ann Goff - ✓*

Claims through *father.*

~~Children:~~

Claims for himself alone.

Stenographer

Henry Haines

Anderson Goff

REFUSED

DECISION RENDERED SEP 4 1902

NOTICE OF DECISION MAILED APPLICANT.

SEP

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC -8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

DEC 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

DEC 22 1902

REFER TO M. C. R. 2923

CHOCTAW MCR 2816

CARRIE BAILEY

MCR. 2816

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 3, 1901.

#2816

In the matter of the application of Carrie Bailey for the identification of herself and her two minor children as Mississippi Choctaws.

Carrie Bailey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Carrie Bailey.
Q What is your age? A Nineteen.
Q What is your post-office address? A Chicotah, Texas; Lamar Co.
Q Do you live in Chicotah? A No, I don't exactly live in Chicotah I live six miles off though.
Q How long have you lived in Texas? A All my life.
Q Were you born in Texas? A Yes.
Q Have you ever had a home outside of Texas? A No.
Q What is your father's name? A Washington Goff.
Q Is he living? A Yes.
Q What is your mother's name? A Hulda Ann Goff.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One third I suppose.
Q How much Choctaw blood had your father? A One half.
Q What was the other half? A You mean of my father's mother?
Q No; you say your father was half Choctaw; what was the other half?
A I don't know; I guess colored.
Q Was he ever a slave? A Yes.
Q What was your mother? A She was African.
Q Was she ever a slave? A Yes.
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No, not as I know of.
Q Were your father and mother married? A Yes.
Q When and where were they married? A I don't know.
Q Were they married by a minister? A I can't tell you; I suppose they was married by a minister though.

In M.C.R.1524, Washington Goff, evidence of his marriage to Hulda Ann Goff was filed.

- Q Are you married? A Yes.
Q What is your husband's name? A Blumie Bailey.
Q Is he living? A Yes.
Q Do you make any application on behalf of your husband? A No.
Q What is he? A Nigger.
Q When and where were you married to him? A In Paris Texas, no not in Paris but a station five miles from Paris.
Q How many years ago? A Near three years.
Q Have you any children for whom you desire to make application at this time? A Yes.
Q How many? A Two.
Q Give the names and ages of these children? A Eddie Bailey, one year- near two years old; Joyce Bailey, seven months.
Q Joyce? A Yes.
Q Is that a boy? A That's a girl.
Q Are you the mother of these children? A Yes.
Q What is the name of their father? A Blumie Bailey.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?

A No.

Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? That is to this Commission five years ago? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Do you wish to apply now for identification as a Mississippi Choctaw? A Yes, I suppose so.

Q How do you claim your right to identification as a Mississippi Choctaw? A How does I claim it?

Q Yes? A I don't know.

Q Under what law or treaty do you claim your right now? A I don't hardly know, - understand.

Q Well, what makes you come here to be identified as a Mississippi Choctaw? A Well, cause my papa was Choctaw and also my grandmother.

Q Do you claim anything under any of the laws or treaties between the United States and the Choctaw Indians? A Does I claim anything?

Q Yes. A Well, I don't know.

Q Do you make any claim to a right to identification under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article of that treaty?

A Well, I understand them very well.

Q Well, what is it; explain it? A Well, I can't explain it hardly.

Q Well, what do you understand from that article? A I don't know hardly.

Q The treaty of 1830 was entered into between the United States and the Choctaw Indians who lived in Mississippi. The United States wanted to remove them to a country West of the Mississippi River, and it was impossible to get a treaty with them until some provision was made with them for those Choctaw Indians who didn't want to come West but wanted to stay there in Mississippi; so, this fourteenth article was put into the treaty for the benefit of those Choctaw Indians who wanted to stay there in Mississippi. It was then ratified. The fourteenth article provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Now, that means that if those Choctaw Indians who didn't want to come West went to the Agent there in Mississippi within six months after the treaty was

Carrie Bailey---3

ratified and told him that they didn't want to come West but wanted to stay there that they would receive land from the government there in Mississippi. And if they removed they were not to forfeit the right of a Choctaw citizen but would not be entitled, if they removed to any portion of the Choctaw annuities. Do you think you understand that now? A I think I understand it very well.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A None as I know of.

Q Do you know what is meant by the word ancestor? A No.

Q Well, it means your foreparents, your grandmother or grandfather, great-grandfather or mother? A Never did get any as I know.

Q What was the name of this foreparent of yours who was a resident of the Choctaw Nation in Mississippi and Alabama at the time this treaty was made and was a recognized Choctaw Indian? A You are speaking of my grandmother's people or my father's people?

Q Well, whatever people you claim your Indian blood through?

A Its my grandmother Lizzie Littlejohn.

Q Was she a full-blood Choctaw? A Yes.

Q Did she live in Mississippi in 1830? A I don't know; I think she did.

Q Is she living now? A Yes.

Q Where is she living? A I don't know; I have seen her but I don't know where she lives.

Q Where does she live? A She stays at DeKalb.

Q What was her father's name? A Octavius Harvey; something like that

Q What was Lizzie Littlejohn's name before she married; was it Harvey? A Yes.

Q And Octavius Harvey was a full-blood Choctaw was he? A Yes.

Q Have you any evidence that Octavius Harvey was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes, I have, though not at present.

Q What is that evidence-what does it consist of? A Well, I suppose you are speaking of witnesses.

Q Well, I want to know if it is affidavits, depositions or the witnesses in person-or what kind of evidence it is? (No answer.)

Q Could you get the evidence of your grandmother? A Yes, but they are not here.

Q Could you get her here? A I suppose so, but not right away.

Q You can get her here to testify then? A Yes.

Q Did Octavius Harvey or Lizzie Littlejohn remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory when the other Choctaw Indians removed from Mississippi between 1833 and 1838? A I can't tell you; I don't know.

Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after this treaty was ratified and told him that they intended to stay there in Mississippi and become citizens of the United States? A I don't know.

Q Does your grandmother know anything about these points? A I don't know whether she does or not.

Q Have any of your ancestors ever claimed or received any land in Mississippi from the government under the fourteenth article of the treaty of 1830? A None as I know of.

Q Did they ever receive any money from the United States Government any scrip, any benefits, of any kind under this treaty of 1830?

A Not as I know of.

Q Is there anything more you want to say in regard to your application? A No.

Q Have you any documentary evidence showing that your foreparents were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No, we haven't got any at present.

Carrie Bailey---4

Q But you think you can get the evidence of your grandmother?
A Yes.

Q Did you ever hear your father speak of these things? A No, I haven't got his evidence.

Q Can you get it? A Yes, I can get them.

Q Is there any other witness you can get? A Yes.

Q Could you get them here? A I don't know; but I can get the testimony; I guess I can get them.

Q Should you desire to offer any further evidence either the oral testimony of witnesses or their depositions or affidavits you will be allowed to do so.

Q What is your father's name? A Washington Goff.

Q What is his Indian ancestor's name? A Are you speaking of his mother?

Q Well, was his mother a Choctaw Indian? A Yes.

Q What was her name? A Lissie Littlejohn.

Q Well, what was Lissie Littlejohn's Choctaw parents names? A Detavious Harvey and Mary Harvey.

Q They were Choctaw Indians living in Mississippi? A Yes I suppose so.

Q That is what you want to prove is it, that you are a descendant of Detavious Harvey and Mary that lived in Mississippi in 1830? A Yes.

This applicant appears to be a full-blood negro; has prominent negro characteristics and shows none of the appearances or features of an Indian.

Q Can you speak Choctaw? A No, I never was around them.

She does not speak the Choctaw language and knows nothing of any compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24 day of July, 1901.

R. H. Linbaugh
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 10, 1901. M.C.R. 1894.

In the matter of the application of William Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2010.

In the matter of the application of Eliza Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2011.

In the matter of the application of Green Geff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2012.

In the matter of the application of Lula Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2013.

In the matter of the application of Bertha Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2014.

In the matter of the application of Anderson Geff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2015.

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2016.

Elizabeth Littlejohn being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission.

- Q What is your name? A Eliza Littlejohn; Elizabeth Littlejohn; they call me Liza is for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalb, Bowie County.
- Q Texas? A Yes.
- Q Do you know Washington Geff? A That's my son.
- Q Bertha Lockhart? A My grand daughter.
- Q Anderson Geff? A Yes.
- Q Green Geff? A Yes.
- Q William Geff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Geff? A Yes.
- Q Eliza Geff? A Yes.
- Q What relation was Washington Geff to you? A My son; my first child.
- Q What relation are all these others? A My grand children.
- Q These children are they? A Washington Geff's children is my grand children.
- Q Are these all the children of Washington Geff? A Yes, they all is his own true grown children.

Q What is Washington Geff's father's name? A Nelson Hughes; that's right; the Geff name is only a nick name they give him; the Geff name is.

Q These others are the children of Washington Geff? A Yes.

Q What is their mother's name? A Hulda Ann.

Q Hulda Ann Geff? A Yes.

Q What was she? A What do you mean by what is she?

Q I mean was she Indian? A No, she ain't got any Indian blood in her.

Q Well, what was she? A I don't know what she was; whether she was part negre or not.

Q Was she white? A No, ginger-cake color.

Q And these children of Washington Geff are your grand children? A Yes.

Q Washington Geff gets his Indian blood through which one of his parents? A Only me I guess.

Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am; only a little.

Q What blood did Nelson Hughes have. A He was darker than Washington Geff.

Q Was he a negre? A He went for a negre; he wasn't out and out, I think he had some other blood in him.

Q Was he a slave? A I don't think so; he wasn't.

Q And these children of Washington Geff get their Choctaw blood through him and then through you? A Yes.

Q And what relation would your father be to these children of Washington Geff? A Grandfather.

Q What relation would your father be to Washington Geff? A Grandfather.

Q Well, then, what relation would your father be to these children of Washington Geff? A Grandfather.

Q Well, your husband would be their grandfather wouldn't he?

A Yes, you asked that didn't you?

Q No, I asked you what your father would be to them? Wouldn't your father be Washington Geff's grandfather? A I reckon so; of course he would.

Q What relation would he be to Washington's children then? Wouldn't they be his great grandchildren? A Yes, I suppose so.

Q They get their Choctaw blood from your father or your mother?

A I reckon they would get a little of it from my father and my father's wife, their great grandfather and great grandmother. I reckon it would be mixed that way.

Q What was your father's name? A Octavius Harvey.

Q What was your mother's name? A Mary Harvey.

Q And these children, Washington Geff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.

Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.

Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.

Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know nothing about it.

Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.

Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.

Q You don't know his given name? A No.

Q Do you know the name of Octavius Harvey's mother? A No.

Q Do you know the name of Nelson Hughes father? A No.

Q Do you know the name of Nelson Hughes mother? A No.

Q Do you know whether they ever lived in Mississippi? A If they did I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.

3----

- Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know anything about that.
- Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 and 1838? A No, I know they didn't 'cause I know when the Indians come from the Nation over here and they didn't come with them.
- Q Where were you then? A I was in Mississippi then.
- Q Were they living then? A No. They were not.
- Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
- Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
- Q We'll, was that when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
- Q Did you go to the Indian agent there in Mississippi and tell him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
- Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
- Q Did you have any Choctaw name? A They always took me and told me I was kind to them.
- Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Choc", and said I was kin to them; I used to get mad at them when they told me. (To Washington Goof)
- Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.
(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed to and sworn to before me this 14th day of Sept, 1901.

David Shelby
Notary Public.

M.C.R. 2810.

Muskogee, Indian Territory, September 4, 1902.

Carrie Bailey,
Chicota, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Lella Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	4060.

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred

C.B. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Lit leJohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erubah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Waysea Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer.

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 12, 1901.

Mr. Henry Byington,
Caddo,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, enclosing affidavit of Elizabeth Littlejohn, and certified copies of the affidavits of Washington Goff, Austin White, and Albert York, which you ask to have filed in support of the application for identification as a Mississippi Choctaw of Carrie Bailey et al.

Same have been duly filed and made a part of the record in this case, and will receive consideration in the disposition of this case.

Yours truly,

M.C. 2816.

M.C.R. 2816

COPY.

Muskogee, Indian Territory, December 22, 1902.

Carrie Bailey,

Chisota, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

SIGNED,

Acting Chairman.

No. 2816

For Identification as a Mississippi Choctaw.

Date JUL 3- 1901

Name

Carrie Bailey

Age

19

Blood

$\frac{1}{3}$

$\frac{1}{4}$

Post Office,

Chicot, Texas.

Father:

Washington Goff - ✓

Mother:

Hulda Ann Goff - ✓

Claims through

father.

HUSBAND:

Blumie Bailey.

(no claim for husband).

Children:

Eddie Bailey

2.

F.

Joyce

"

7 mo.

Claims for self and 2 children.

Stenographer

Henry Hains.

A MISSISSIPPI CHOCTAW

Garris Bailey et al

REFUSED

DECISION RENDERED. SEP 4 1902

NOTICE OF DECISION MAILED APPLICANT

SEP -4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

DEC -8 1902

NOTICE OF DECISION
FORWARDED

DEC 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

DEC -8 1902

REFER TO R. 2923

CHOCTAW MCR 2817

TENNIE C. THOMPSON

MCR 2817

Sub

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tennie C. Thompson, et al., for identification as Mississippi Choctaws, M.C.R.2317.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of
Tennie C. Thompson, et al.

(Page)

Original application of Tennie C. Thompson, et al., before the Daves Commission for identification as Mississippi Choctaws	1
Affidavit of J. E. Graham	7
Affidavit of Lucinda Graham	8
Decision of the Commission refusing the application of Tennie C. Thompson, et al., for identification as Mississippi Choctaws	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 3, 1901.

#2817

In the matter of the application of Tennie C. Thompson for the identification of herself and her two minor children as Mississippi Choctaws.

Tennie C. Thompson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Tennie C. Thompson.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Marietta, I.T.
Q How long have you lived in the Indian Territory? A Five years.
Q Where did you live before you lived there? A Limestone County, Texas.
Q How long did you live in Texas? A About eighteen years.
Q Where did you live before you lived in Texas? A Why, I remained in Texas until I came here; I lived in Texas twenty-two years.
Q Were you born in Texas? A Yes.
Q And lived there continuously until you moved to the Territory?
A Yes.
Q Never had a home outside of Texas and the Territory? A No.
Q What is your father's name? A Andy Graham
Q Is he living? A No.
Q What is your mother's name? A Clarissa Graham.
C-l-a-r-i-s-s-a? A Yes.
Q Is she living? A No.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One fourth.
Q How much Choctaw blood had your mother? A One half.
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A Yes.
Q Where and when? A Why, when she was put on record.
Q Well, when and where? A I don't know.
Q You don't know then when and where she was enrolled? A No.
Q What makes you think she was enrolled? A Why, my people say she was.
Q Where did they say she was enrolled? A Why, in the Choctaw Nation.
Q Here in the Territory? A Yes.
Q Did she live in the Territory? A I don't know whether it is in the Choctaw or not; its in the Nation.
Q Do you claim any other blood than Choctaw? A No.
Q Had your mother lived here? A Yes.
Q How long? A I don't know.
Q How long has she been dead? A When I was three years old.
Q Was she living in the Territory when she died? A I don't think she was.
Q Do you know that she was living in the Territory at all? A I don't know that my mother was.
Q When what makes you think she was enrolled here? A I don't know that she was enrolled.
Q Well you said she was. A Well, I misunderstood you.
Q You don't know then whether she, your mother was enrolled by the Choctaw tribal authorities or not? A No.

T.C.Thompson---2

Q Was she ever enrolled in Mississippi? A I don't know that.
Q Are you married? A Yes.
Q What is your husband's name? A Will Thompson.
Q Is he living? A Yes.
Q Do you make application on behalf of your husband? A No, I don't make any for him.
Q He is a white man and makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this time? A I have two.
Q Give the names and ages of these children? A Emilie (Girl), three years old; Lera (Girl), one year old the 8th of last month.
Q These are both your children? A Yes.
Q What is the name of their father? A Will Thompson.
Q When and where were you married to him? A At Cheek, I.T.
Q When? A Four years ago the 22nd of last March.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No, not that I know of.
Q Have you ever made application to the Choctaw tribal authorities here in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I don't understand you.
Q Did you or did any one for you in 1896, five years ago, make application to this Commission for citizenship? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application before this time to the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.
Q Is this the first application you have ever made of any description? A Yes.
Q Do you now wish to make application for identification as Mississippi Choctaws? A Yes.
Q Under what law or treaty do you claim this right to identification as a Mississippi Choctaw? A The fourteenth, the treaty.
Q Under what law? A Under what law?
Q Yes; under what law or treaty; how do you claim your right to identification? A Under the Choctaw treaty the fourteenth.
Q Fourteenth what? A The treaty.
Q Fourteenth treaty?--Is that what you mean? (No answer).
Q When was that treaty made that you are referring to?
Q 27th. 1830 I believe.
Q 27th. of what? A September, 1830.
Q You claim then, under the treaty of 1830? Is that what you mean?
A I don't understand that part of it.
Q Well, you say September 27, 1830, and I ask you if that is the treaty you claim under? A Well, I claim my right under the Mississippi Choctaw.
Q Well, what law do you think gives you the right to make that claim now? A The Choctaw law of course.
Q Well, what do you mean by this treaty of 1830? A (No answer.)
Q I asked you what you claim under and you mention this treaty, but you haven't said whether you claim under this treaty or not?
A Yes.
Q Do you claim under any particular part of that treaty, under any particular section or article? A No.
Q Do you claim under the whole treaty? A Well, I haven't decided just where I want to take my land.
Q This treaty of 1830 was made between the Choctaw Indians and the United States. The United States wished to move the Indians West of

the river, and they found it impossible to get a treaty with the Indians until they made some provision with those Indians who did not want to come West but wanted to stay in Mississippi. Article fourteen was made for that purpose and article fourteen provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be living with him under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." So these Choctaw Indians who didn't want to come West could go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States and land would be given them there. And article fourteen further provided that people who took land under that article were not to lose the privilege of a Choctaw citizen, but if they ever removed, they were not to be entitled to any portion of the Choctaw annuities. Now, is this the article under which you claim? A Well, I want to stay here in the Nation.

Q Well, I say is this article that I have just read and explained to you the one under which you want to claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know what is meant by the word ancestor? A No.

Q Well, what was the name of your foreparents, your mother's father or mother or grandfather or grandmother who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 when this treaty was made? A Grandmother's name was Clarissa Crabtree and my grandfather was Bill.

Q Well, which one of these was Choctaw Indian? A Grandmother.

Q Clarissa Crabtree? A Well, my grandfather's name was Bill.

Q Well, was he or your grandmother Choctaw Indian? A Grandmother was the one.

Q Well, was Clarissa Crabtree a Choctaw Indian? A Yes.

Q Did she live in Mississippi in 1830? A Yes.

Q Have you any evidence of that fact? A I have an affidavit of Mr. Graham.

Q What is Clarissa Crabtree's name now? A (No answer).

Q Was that her maiden name? A Yes.

Q Before she was married what was her name? A Grandfather was an American.

Q What was his name? A Bill.

Q Bill what? What was his surname? A I don't know.

Q That means what was his last name? (No answer).

Q Was Clarissa Crabtree your grandmother's name before or after she was married? A Before.

Q What was the name after she was married? A My grandmother's name?

Q Yes. A Before she was married or after?

Q After. A I will have to study on it a little and see; I have heard my cousins talk a heap of them but I don't know anything else.

Q Well was your grandmother's name Clarissa Crabtree before or after she was married? A Its after.

Tennie C. Thompson---4

Q Do you know what her name was before? A No.
Q Was her father or mother an Indian? A Her mother.
Q Do you know what her name was? A I don't know what my great-grandmother's name was.
Q What was your mother's name? A Clarissa Carrol.
Q Was she Clarissa Crabtree's child? A Yes.
Q Well, now, what was your grandfather's name? A Bill, I don't know what his other name was.
Q You don't know what your grandfather's last name was? A No.
Q What was your mother's name before she married? A Carrol.
Q How long has your mother been dead? A Ever since I was three years old about twenty two years.
Q How old was she when she died? A I don't know.
Q About how old a woman was she? A She was between thirty and forty; I think from the records, I can't say for sure.
Q Did Clarissa Crabtree have any other children beside your mother? A Yes.
Q Was your mother one of the first or the last children? A Did my mother have any children?
Q No; did Clarissa Crabtree have any other children beside your mother? A Yes.
Q Do you know how many? A No sir, I don't know exactly.
Q Do you know whether your mother was one of the first or last children of Clarissa Crabtree? A The first. I had an uncle that they said had done proved up his right here somewhere, in the Choctaw Nation here.
Q What was his name? A Sam Carrol., do you know anything of him?
Q Did this Sam Carrol, your uncle, prove up his citizenship here in the Choctaw Nation? A I don't know.
Q Did he apply to the Choctaw council? A I can't say.
Q Did he apply to the Dawes Commission or was he by the Court?
A I think by the Court.
Q How long has he lived in the Choctaw Nation? A My uncle?
Q Yes, Sam Carrol? A I don't know.
Q Where does he live? A I don't know; I just heard of him here.
Q Do you know how long he has been a citizen of the Choctaw Nation, how long have you heard he was a citizen of the Choctaw Nation?
A Five or six years I think.
Q Are you making your claim for identification as a Mississippi Choctaw on the fact that this uncle of yours has been admitted to citizenship in the Choctaw Nation? A Yes.
Q You don't claim under any special treaty then? A Yes, I claim under Mississippi Choctaw.
Q Are you basing your claim on the fact that you are descendants of Choctaw Indians who lived in Mississippi or on the fact that you have relatives that have been admitted here within the past five or ten years? A Well, I claim Mississippi Choctaw Indian blood.
Q But on what theory do you make that claim; the fact that you are descended from Choctaw Indians in Mississippi or do you think you have more right from the fact that your relatives have been admitted here? A No sir; I have got the Indian blood myself, not because he proved his rights.
Q Your claim is independent of any claim that any one of your other relations might have? A Yes.
Q Did this Clarissa Crabtree remove, that is your grandmother, from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory when the other Indians removed from 1833 to 1838? A I think so.
Q You think she came West? A Yes.
Q Have you any evidence to show whether she did or not? A No.
Q If she came West then she didn't go the Indian Agent there in Mississippi within six months after the ratification of the treaty and tell him that she didn't want to come but wanted to stay and become a citizen of the United States? A She came from Mississippi and came on to the Choctaw Nation and died and was buried in Choctaw Nation.

- Q When did she leave Mississippi? A I don't know.
- Q You don't know whether she came with the other Choctaw Indians or whether she came later? A No.
- Q Have any of your ancestors, that is your great-grandmother or great-grandfather or any of your foreparents, ever received any land in Mississippi from the Government as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know whether they did or not.
- Q You don't know whether they ever owned any land in Mississippi?
- A My grandmother?
- Q Yes; or any of your grandparents or great-grandparents? A No, I don't know- I don't think they did.
- Q Did they ever receive any scrip or moneys from the government?
- A Not that I know of.
- Q Have you any witnesses that know anything more about your grandmother or your great-grandparents than you do? A Nothing but that affidavit there.
- Q Are there no people living that know any more than what is shown in this affidavit? A Well, my uncle does.
- Q Where is he? A I don't know.
- Q Your uncle Sam Garrol? A Yes.
- Q Is he the only one? A There is two; both named Sam Garrol; I don't know whether either of them is living- the last account they were in the Choctaw Nation.
- Q You don't know where they are then, to bring them before the Commission to testify for you? A No.
- Q Is there anything else you would like to say in support of your application at this time? A Nothing only I am claiming Indian, Choctaw Mississippi Indian blood.
- Q Have you any documentary evidence, affidavits or papers of any description showing that your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.
- Q You have nothing but this affidavit that you want to file?
- A That's all but if you don't think it is sufficient I might could send back and get some more.
- Q The Commission is somewhat averse to accepting affidavits of witnesses, and where it is possible they desire to examine witnesses in person. In exceptional cases where it is inconvenient to have persons here on account of ill health or where the distance is too great depositions will be accepted; then affidavits will be accepted and the facts set forth therein will be considered.
- Applicant offers in evidence the affidavit of J.E.Graham, marked Exhibit "A" identified, filed and made a part of the record in this application.
- Q Who is J.E.Graham? A A cousin of mine.
- Q How long has he known you? A All my life.
- Q How old is he? A Between forty and fifty, I don't know exactly how old he is.
- Q Which one of his parents was related to your mother? A Why, no one of his, he was cousin of me on my father's side.
- Q Well, then how was he able to testify relative to your mother's ancestors? A Cause we was all together there for a while and knew where we came from.
- Q Where did Mr. Graham first become acquainted with your mother's family? A Linn County, Texas.
- Q When? A When they first passed through, I guess.
- Q About how long ago was that? A I don't know.
- Q You said he was between forty and fifty years old? A Yes.

Tennie C. Thompson---6

Q What do you mean when you say passing through that County in Texas? A Coming from Mississippi.

Q Who? A Grandmother and grandfather.

Q Was that the first time that they ever came from Mississippi to the Cheetaw nation when this man Graham saw them passing through Linn County, Texas? A Yes.

Q They had never been here before? A I don't know for certain whether they was or not; I think so.

There is also offered in evidence, marked Exhibit "B" and identified as such and made a part of the record in this case the affidavit of Lucinda Graham.

Q Who is Lucinda Graham? A She is the wife of J.E. Graham.

Q Who made this other affidavit I just filed? A Yes.

Q Any relation to you? A No sir, only by marriage.

Q Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses or depositions or affidavits the Commission will accept them and make them a part of the record in your case.

The applicant in this case has none of the general appearances or characteristics of a Cheetaw Indian. Her complexion is somewhat dark and hair black and straight. Her features are those common to the Anglo-Saxon race.

Q Can you speak the Cheetaw language? A No sir.

The applicant has but little knowledge personally of her ancestors and seems to be in total ignorance of any compliance by such ancestor with the provisions of the fourteenth article of the treaty of 1830.

RR

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 27 day of July 1901.

R. W. Linebaugh
Notary Public.

J.F.W.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tennie C. Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 2817.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Tennie C. Thompson for herself and her two minor children, Nellie and Lera Thompson, under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Clarissa (or Clarency) Crabtree, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Clarissa (or Clarency) Crabtree, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tennie

40-

S. Thompson, Nellie Thompson and Lora Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Special Agent

Larns Bixby.

Acting Chairman.

Assistant

T. B. Needles.

Commissioner.

Assistant

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

Miss. Choct. 2317

Muskogee, Indian Territory, March 26, 1902.

W. H. H. Keltner,

Leon, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighteenth instant, asking if J. W. Thompson, a white man, (inter-married) and Tennessee Thompson, his wife, have been listed for enrollment as Choctaws or Chickasaws.

In reply to your letter you are advised that it appears from our records that Tennie Thompson, of Marietta, Indian Territory, twenty seven years old, and the wife of Will Thompson, a non-citizen, is an applicant to this commission for the identification of herself and her minor children Malie and Lora Thompson. No decision has yet been reached nor opinion rendered relative to the rights of these parties as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COPY.

W C R 2217

Washago, Indian Territory, October 20, 1902.

Tennie G. Thompson,

Marion, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tennie G. Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tennie G. Thompson, Edie Thompson and Lora Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

T E T 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixby.

Acting Chairman.

Registered.

M C R 2817

Washkagee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Tennie G. Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tennie G. Thompson, Nellie Thompson and Lora Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

W. H. H. & C. S.

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamm D. D.
Acting Chairman.

Miss. Choctaw R2817

Muskogee, Indian Territory, October 31, 1902.

J. W. Thompson,

Marietta, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, asking when it will be necessary for Tennie Thompson, a Mississippi Choctaw, to be at Muskogee with witnesses in order to complete her enrollment.

In reply to your letter you are advised that on October 30, 1902, the Commission rendered its decision refusing the application of Tennie C. Thompson et al., for identification as Mississippi Choctaws, notice of which was forwarded her on that date by registered mail, and she was granted fifteen days within which to file argument in her case, to be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

M C R 2217

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Tennie C. Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30th, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tennie Pirby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. MCR 2217

Land.
69048-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the ~~matter of the application of Tennis C. Thompson, for herself and her~~ two minor children, Emilie and Lora Thompson, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Clarissa Crabtree or Clarissa Carroll. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830, at the time of the making of the Choctaw treaty.

The Commission rejected the applicants because the name of the party through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw nation.

An examination of the records of this office has been made with reference to Clarissa Crabtree or Clarissa Carroll, and it is dis-

-2-

covered that neither name appears among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

(E.B.H. (E)

D.C.5259

C O P Y.

BAF.

DEPARTMENT OF THE INTERIOR.
ITD. 1276-1903. WASHINGTON. February 19, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Tennie C. Thompson and her minor children, Emilie and Lora Thompson, including your decision of October 30, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Clarissa (or Clarency) Crabtree who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Clarissa Crabtree, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat. 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosu e.

COPY.

M. C. R. 2817

Muskegee, Indian Territory, March 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tennie B. Thompson, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

Tams Pixoy.

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

M.C.R. 2017

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

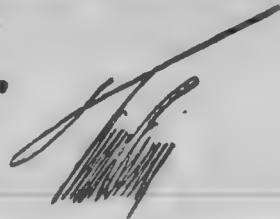
Muskogee, Indian Territory, March 5, 1906.

Tennie C. Thompson,
Marietta, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Tennie C. Thompson, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

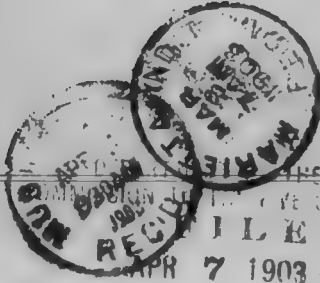


Chairman.

Opened through
mistake by
R. E. Thompson
Sen. J. C.

2817

File



CHAIRMAN

DEPARTMENT OF JUSTICE
COMMISSION TO THE INTER-STATE COMMERCE
FILED
APR 7 1903

CHAIRMAN

70

Department of the Interior

MAR 20 Commission to the Five Civ.

MUSKOGEE, IND.

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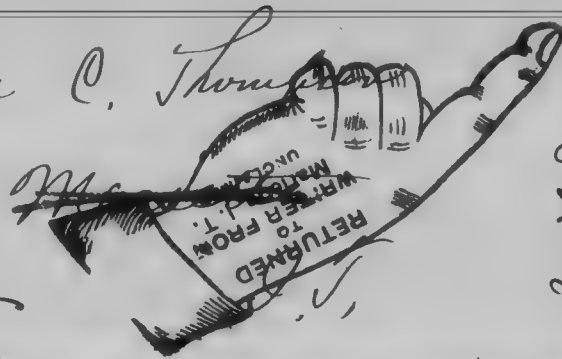
OFFICIAL BUSINESS

Penalty for private use

14-Bureau
MAR 20 1963

Jennie C. Thomas

~~Leona~~
Marietta



Not for
Leona

No. 2117

For Identification as a Mississippi Choctaw.

Date **JUL 3- 1901**

Name *Tennie C. Thompson*

Age *27* Blood *1/4*

Post Office, *Maricetta, L.T.*

Father: *Andy Graham (dead)*

Mother: *Clarissa " "*

Claims through *mother*
husband: Still Thompson *2*
(no claim for him)

Children:

Emilie Thompson F 3

Lora " F 1

*Claims for herself and two
minor children.*

Stenographer

Henry G. Harris
Harris

Tennie C. Thompson et al
REFUSED

DECISION RENDERED. **OCT 11 1902**

NOTICE OF DECISION MAILED APPLICANTS

1087

OCT 31 1902

NOTICE OF DECISION RENDERED AT ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 19 1903

NOTICE OF DECISION
FORWARDED AT REQUEST

MAR 11 1903

NOTICE OF DECISION
FORWARDED AT REQUEST
AND CHICKASAW NATIONS.

CHOCTAW

CHOCTAW MCR 2818

SUSAN DALE

See MCR D.1

MCR 2818

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 2, 1901.

#2818

In the matter of the application of Susan Dale for the identification of herself and her three minor children as Mississippi Choctaw.

Susan Dale being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Susan Dale.
Q What is your age? A Forty nine and six months.
Q What is your post-office address? A California Missouri, Moniteau County.
Q How long have you lived in Missouri? A I was born in Missouri.
Q And lived there all your life? A Yes.
Q Have you ever had a residence anywhere else? A No.
Q What is your father's name? A William Harris.
Q Is he living? A No.
Q What is your mother's name? A Nancy Davis.
Q Was that her name before she married? A Yes.
Q And after she was married--? A Nancy Harris.
Q Is she living? A No.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Were your father and mother married? A Yes.
Q Have you any evidence of their marriage? A I have n't here.
Q Have you any that you could produce? A Well, I don't know that there is living.
Q You have no record of their marriage? A Well, I could get that; I think our people has it at home.
Q Where and when were they married? A I don't know that.
Q So you can't get the record from the Clerk's office? A Not that I know of; I don't think I could.
Q Are there any people living that knew they were married? A Yes.
Q Could you get their evidence? A Yes, in Ardmore I have a brother and a great many cousins.
Q Well, do they know that they were married; were they present do you know? A I don't know; I don't think there is anybody living; you see that has been many years ago; my father was eighty four years old when he died.
Q It is quite necessary to have the evidence of their marriage in support of your application for identification.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?
A I don't know.
Q Are you married? A Yes.
Q What is your husband's name? A George Dale.
Q Do you make application for him? A No.
Q He is living? A Yes.
Q He is a white man and makes no claim to Indian blood? A Yes, he is white.
Q Have you any children in your family under twenty one years of age and unmarried from whom you wish to make application at this time?
A I have three.
Q Give their names and ages. A Cora Dale, twenty years and six months; Maggie Dale, fifteen; Mattie Dale, ten.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A George Dale.

Susan Dale---2

Q When and where were you married to him? A Cooper County, Mo., 1874.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities for yourself or your children to be enrolled as members of that tribe? A No.

Q Did you or did any one for you in or your children in 1896, make application to the Commission to the Five Civilized Tribes, that is this Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to identification as a Mississippi Choctaw? A From the blood of my father.

Q Do you claim under any of the laws or treaties between the Choctaw Indians and the United States? A Yes, the law of 1830.

Q The treaty of 1830? A Yes I reckon, I can't remember those laws; I know what it is but I can't remember to give it out.

Q Are you familiar with the provisions of the treaty of 1830? A Well I have heard it read often.

Q The treaty was made between the United States and the Choctaw Indians living in Mississippi. The United States wished to move the Choctaw Indians from Mississippi to a country West of the Mississippi River and found it impossible to make any treaty with them without making some provision for those Indians who wished to remain in the State of Mississippi, and article fourteen was put into the treaty for that purpose, and after that article was inserted, the United States and the Choctaw Indians concluded this treaty. Article fourteen that was made for the benefit of those who wanted to remain in Mississippi provides, that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the Agent within six months from the ratification of this treaty his intention, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to remain and become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who wanted to stay in Mississippi could do so by going to the Indian Agent there in Mississippi within six months after the treaty was ratified and stating to him that they wanted to remain

in Mississippi, that they didn't want to come West with the other Indians but wanted to take land there and become citizens of the United States and this article provided if they did that, they should receive land there and should not lose their rights in the Choctaw nation but if they ever removed were not to be entitled to any portion of the Choctaw annuities. Is this the provision of law that you claim under at this time? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.
Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was entered into? A My great-grandfather, William Harris.

Q Your father's grandfather? A Yes.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I really don't know; I don't think he was ever.

Q What was your grandfather's name? A James Harris.

Q Where did he live in 1830? A I can't answer that question, either of them, I don't know the dates.

Q You said your father was over eighty years old when he died?

A He was 84 years old.

Q Well, how long ago did he die? A Five years ago.

Q Was not your father living in 1830? A I don't know.

Q That would make him, if he were living now, about ninety years old? A Yes.

Q You don't know where he lived? A No.

And you don't know where his father was living at that time of the treaty? A No.

Q Are there any witnesses who could testify on these points? A I think John Martin of Ardmore could; he is my uncle.

Q How old is he? A I don't know.

Q Is he an old enough man to have known your grandfather? A Yes.

Q Did he know him personally? A Yes.

Q This James Harris, your grandfather, that was Choctaw Indian?

A Yes.

Q He claimed Indian blood did he? A Yes.

Q Did your grandfather, James Harris or your great-grandfather, William Harris, if Choctaw Indians remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory from 1833 to 1838 when the other Indians did? A I don't think they did.

Q Do you know where your great-grandfather died? A In Missouri.

Q How long ago? A I don't know.

Q Do you know whether your grandfather died in Mississippi or not? A He died in Missouri.

Q Do you know whether either your grandfather William Harris or your great-grandfather William Harris, if they did, not remove with the other members of the tribe, went to the Indian Agent there in Mississippi within six months after the ratification of the treaty and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.

Q Have you any witnesses who could testify on these points? A No, unless it is Mr. Martin.

Well, was he living long enough ago to be able to testify about these matters personally? A I don't think he was.

Q Do you know of any one who would of his own personal knowledge know of these things? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I knew of.

Susan Dale---4

Q Did any of them ever receive any money or scrip from the government? A I don't know of any.

Q Is there any other statement you would like to make at this time in support of this application? A No.

Q Have you any documentary evidence, affidavits, written evidence of any description, copies of deeds or records or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied tried to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A We haven't anything except the evidence that was given at Ardmore when my other relation applied there for citizenship.

Q What other relation? A John S. Martin.

Q Do you want to file that now? A I think we will.

Q Do you make a claim now to be identified as a Mississippi Choctaw under any other provision of law or under any other theory than the fourteenth article of the treaty of 1830? A No.

Q You don't claim by reason of any of your relatives being admitted to citizenship in the Choctaw Nation? A Yes, I have many relatives in Ardmore that have applied and been admitted.

Q What are their names? A John S. Martin.

Q Well, the application of John S. Martin has not yet been passed on and he has not been admitted as yet-has not been identified.

A Well, he is my nearest relative. I have a brother down there that has put in his application.

Q What is your brother's name? A Lemuel Harris.

Lemuel Harris appeared before the Commission at Colbert, Indian Territory, June 13, 1900, and made application for identification as a Mississippi Choctaw.

Q His case has not yet been passed upon by the Commission.

Should you desire to file any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits you will be permitted to do so and the Commission will accept the same and will make it a part of the record in your case.

Can you speak the Choctaw language? A No.

The applicant in this case has all the appearance of a white woman, and has none of the features or characteristics of an Indian. She is unable to speak Choctaw and knows nothing of any compliance of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 27 day of July 1901.

A. H. Lincbaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 5, 1901.

TESTIMONY OF FRANCIS M. MARTIN.

#2618

In the matter of the application of Susan Dale for the identification of herself and her three minor children as Mississippi Choctaws.

Francis M. Martin being duly sworn and called as a witness in this case testified as follows in behalf of applicant:

Examination by the Commission:

- Q What is your name? A Francis M. Martin.
Q What is your age? A Fifty three.
Q What is your post-office address? A Clarksburg, Moniteau Co., Missouri.
Q Are you acquainted with the applicant in this case, Susan Dale?
A I am.
Q How long have you known her? A Ever since I can remember.
Q Were you acquainted with her father and mother? A Yes.
Q What was her father's name? A William Harris.
Q What was her mother's name? A Nancy Harris.
Q Through which one of her parents did she claim her Indian blood?
A Through her father.
Q Did you know her grandparents? A Yes; been at her house many a time.
Q She claims her Indian blood through her father? A Yes.
Q You knew her father's father, did you? A Yes.
Q What was his name? A James Harris.
Q And you knew her father's mother? A Yes.
Q What was her name? A Rhoda Harris.
Q Through which one of her grandparents did she get her Choctaw blood? A James Harris her grandfather.
Q Did you know James Harris' father and mother? A No.
Q You didn't know them? A No; they died before I was born; in '34 they died.
Q Is there anything further you would like to say in support of the claim of Susan Dale for identification as a Mississippi Choctaw?
A Not that I know of.

To applicant, Susan Dale:

Q Is there any question you would like to ask him? A No.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of July 1901.

A. Whinebaugh

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 2818

COPY.

ADDRESS ONLY USE
CARESS, N.Y. 10010, N.Y. 10010

Muskogee, Indian Territory, March 15, 1902.

Susan Dale,
California, Missouri,
Dora Lee Caldwell

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha F. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Neenies

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 8, 1901.

George F. Dale,

California, Missouri,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, 1901, in which you ask if the Commission has yet passed on the application of Susan Dale, et al. for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to the rights of Susan Dale and her children as Mississippi Choctaws. The consolidated case of the applicants for identification as Mississippi Choctaws claiming through William Harris has been set for rehearing at Muskogee, Indian Territory, January 13, 1902, at nine o'clock A.M. At that time the Commission will hear the testimony of such witnesses as may present themselves in person in behalf of the applicants. If Susan Dale wishes to present any witnesses she will be permitted to do so on that date.

Yours truly,

MC 2818

Commissioner in Charge.

Muskogee, Indian Territory, October 9, 1901.

Mr. Geo. F. Dale,
California,
Missouri.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 5, 1901, in which you ask if any one has called at the Office of the Commission and requested permission to examine Mrs. Susan Dale's file of papers, claiming to have authority for the prosecution of her case.

In reply to your letter you are advised that it appears from our records that Susan Dale appeared before this Commission at Atoka, Indian Territory, on July 3, 1901, and applied for the identification as Mississippi Choctaws, of herself and her minor children.

Our records do not show that the applicant in this case was represented by attorney at the time of her personal appearance, neither do they show that any attorney has ever requested permission to examine the files in this case, or represented himself as attorney for Mrs. Susan Dale,

Yours truly,

Miss. Choctaw 2618

Muskogee, Indian Territory, April 2, 1902.

George F. Dale,

California, Missouri,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 7, asking the status of the application of the heirs of William Harris for identification as Mississippi Choctaws.

In reply to your letter you are advised that under date of March 15, 1902, the Commission rendered a decision refusing the applications of the several persons included in the consolidated case of John Martin, et al. descendants of William Harris, for identification as Mississippi Choctaws, and the record in the case was forwarded to the Secretary of the Interior for approval.

Yours truly,

Commissioner in Charge.

M.C.R., 2818.

Muskogee, Indian Territory, April 24, 1902.

Susan Dale,

California, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail, on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 2818.

COPY

Muskogee, Indian Territory, November 16, 1906.

Susan Dale,
California, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

THE GLOBE LEGAL WRAPPER. Patented Feb. 12, 1890. FIRST QUALITY.
INSTRUCTIONS.—Insert the metal points—without the manuscript—then bend the points down flat—insert the printed slip and slide it down—this fastens the papers on, and the metal

28181

Susan Dale (Clerk)

Proof of Minor
Children

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 2 1901

 ACTING CLERK

This document transmitted
in note 2707 May 28/02
file this doc. in Correll
Jasual 2518
ND

2707

To the Honorable United States Commission, of the Five Civilized Tribes:

We the undersigned respectfully submit the following statements, viz. That we are unable to procure birth certificates of our three children, on account of the decease of two of the attending physicians. We therefore ask you to consider, in lieu of such certificates, the following testimony, in identifying our children

George Dale Susan Dale
Subscribed and sworn to before me this the 27th
day of July 1901.
R M Embury Notary Public
Commission Expires March 9th 1905

This is to certify that Susan Dale and George Dale her husband reside on a farm four miles North East of California, Moniteau County Missouri. That we have continuously known them from their marriage to the present time. That we personally know their children. In addition to the personal knowledge we have of their children, we certify that the following is a true copy of the birth dates of their three surviving minor children, taken from their family record which is before us. Cora Dale, Born January 25th, 1881.

Maggie Dale, Born August 28th, 1886.

Mattie Dale, Born May 8th, 1890.

According to our best recollection and from the reputation of the parents we do not doubt the correctness of the record.

J. M. Acres (Age 57)
H. H. Kay. (" " 43)
William Hodge (Age 41)
J. J. Howard (Age 45)

Subscribed and sworn to before me this the 30th day of July 1901.

R M Embury Notary Public.

My Commission Expires March 9th, 1905.

To the Honorable United States Commission of the Five Civilized
Tribes:

This is to certify that I was present at the birth of
Maggie Dale and Mattie Dale, who are now minor children of Susan
Dale and George Dale, who live about four miles North East of Cal
ifornia, Mo. I further certify that I personally know Cora Dale, who
is next in age to the two above named as minors, and that all three
of the said children ~~are~~ of the parents above names are minors and
of about the age named in the accompanying affidavit, of J. M. Acres,
H. H. Kay, Misanire Hodge, and J. J. Howard.

Margaret E. Cooper (Age 62)

Subscribed and sworn to before me this the 30th, day of August 1901.

R M Embury

Commission Expires March 9th, 1905.

Notary Public.

No. 2818

For Identification as a Mississippi Choctaw.

Date JUL 2- 1901

Name Susan Dale

Age 49 Blood '18

Post Office, California, Mo.

Father: William Harris (dead)

Mother: Nancy Harris (dead)

Claims through father
husband, George Dale
(No claim for him)

Children:

Cora Dale 20

Maggie " 15

Matthie " 10

Claims for herself and
two minor children.

Stenographer

Henry G. Harris
242

CHOCTAW MCR 2819

FRANCIS M. MARTIN

See MCR D.1

MCR 2819

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 3, 1901.

#2819

In the matter of the application of Francis M. Martin for the identification of himself and his two minor children as Mississippi Choctaws.
Francis M. Martin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Francis M. Martin.
Q What is your age? A Fifty three years old.
Q What is your post-office address? A Clarksburg, Moniteau County, Mo.
Q How long have you lived in Missouri? A Born and raised there.
Q You never have had a home outside of the State? A No.
Q What is your father's name? A Jesse Martin, Jr.
Q Is he living? A No.
Q What is your mother's name? A Perthenia A. Martin.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A I don't really know; about three sixteenths I think.
Q Were your father and mother married? A Yes.
Q Have you any evidence of that fact? A Nothing only I could get it from the records of the County; I haven't it with me.
Q It will be quite material to have these facts, this evidence filed in support of your case.
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Matilda A. Martin.
Q Is she living? A Yes.
Q Do you make application on behalf of your wife? A No.
Q She is a white woman and makes no claim to Indian blood? A No.
Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application? A I have two.
Q Give their names and ages. A Minnie Martin, age nineteen; Gallie Martin, age seventeen.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Matilda A. Martin.
Q When and where were you married to Matilda A. Martin? A Moniteau County, 8th. January 1871.
Q Did you obtain a license to marry? A No, that was before that law came into existence.
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A An ordained minister.
Q Have you your marriage license and certificate and did you desire to offer same in evidence? A No I haven't them.
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application for your minor children.
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A I have not.

Q Did you or did any one for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes that is this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A We have not.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A The first that I have ever made.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q Under what provisions or treaty do you claim now? A Under the treaty of 1830, article fourteen.

Q Do you understand the provisions of that article? A Reasonably well.

Q Well, state what you understand by article fourteen of the treaty of 1830? A Well, I don't know that I could state it, but I have read it a great many times.

Q What is your understanding of it? A It is that if those Choctaw Indians had applied within six months to the Indian Agent there they would be permitted to hold 640 acres of land; and that's about all I can tell by heart.

Q The treaty of 1830 was made between the United States and the Choctaw Indians there in Mississippi. The United States was desirous of removing the Choctaw Indians from Mississippi to the country west of the Mississippi River and found it impossible to conclude any treaty with them unless some provision was made for those who wanted to stay in Mississippi; and after that was done the treaty was signed and ratified without further trouble, and the Indians, those that wanted to remove, were removed within a few years. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child living with him over ten years of age and a quarter section to such child as may be living with him under ten years of age, to adjoin the location of the parent.

Q If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." So, those Choctaw Indians who didn't want to come West could remain in Mississippi and take land there by declaring to the United States Indian Agent there their intention to do so within six months after the ratification of this treaty, and in that case a reservation of land was granted them. The article further provided that those Indians who claimed under this article would not lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw yearly payments of money. Is this the special article under which you claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Francois M. Martin----3

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was made? A William Harris.

Q What relation was he to you? A My great-grandfather.

Q Your father's grandfather? A Yes.

Q And what was your grandfather's name, your father's father's name? A Jesse Martin.

Q Your father's father also claimed Indian blood, did he? A I don't know only I just heard them talking about it.

Q If your great grandfather William Martin claimed Choctaw blood, was not Jesse Martin also through his father? A No; they didn't get it from that side. My grandmother was a Harris before she married.

Q Then your grandmother claimed Choctaw Indian blood? A Yes.

Q Was your great grandfather or your grandmother living in Mississippi in 1830? A Well, I have evidence that they were living in Choctaw County.

Q Have you any witnesses to prove that? A Nothing only this copy.

Q Have you any records to show that they were there then? A I have got a copy of this evidence.

Q Did either your great grandfather, William Harris, or your grandmother--A She was Mary Harris and she married Jesse Martin.

Q Did either of these, if Choctaw Indians, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A No, they moved to Missouri.

Q At that time? A Well, they first moved to Kentucky and then to Missouri.

Q They removed from Mississippi at the time the other Indians removed but they went to Kentucky instead of the Indian Territory? A Yes.

Q You have no evidence then that either of them went to the Agent there in Mississippi and told him that they wanted to remain there and become citizens of the United States? A No.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did they receive any money or scrip from the Government under the treaty of 1830? A Not that I know of.

Q Is there anything further you would like to say in support of your application? A No.

Q Have you any witnesses who could testify as to the fact of your ancestors having lived in Mississippi or Alabama in 1830 and were acknowledged members of the Choctaw tribe at the time the treaty was made or that they received any benefits under the treaty of 1830 from the United States Government? A Nothing only the evidence that has already been produced.

Q Have you any documentary evidence, affidavits, deeds or patents, or copies of records, or any papers showing that your ancestors were ever recognized members of the Choctaw tribe in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A No.

Q Have you no papers of any kind that you want to file now? A Nothing only this.

Q Do you want to offer this now? A Yes.

There is offered in evidence, marked Exhibit "A", filed and made a part of the records in this application a copy of the testimony of James Allen and John Pistole before the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 21, 1898, in the matter of the application of John S. Martin et al., for identification as Mississippi Choctaws.

Q What relation are you to John S. Martin? A Don't relate any; about a fourteenth cousin. He married a Harris is how he came to be.

Q Now, William Harris is what relation to you? A Great grandfather.

Francis H. Martin---

Q Have you proof that you are a direct lineal descendant of his?

A I can get if that is all you want.

Q William Harris was a full-blood Choctaw Indian who was in Mississippi in 1830 at the time the treaty was made? A I answer this question from information to the best information I have; my mother remembers him. There is some song that applied here; they are the same descendants that I am.

Q Was any attorney representing these descendants of William Harris?

A Yes.

Q Who? A Hudson & Arnold.

Q Should you desire to offer any further evidence in this case, either the oral testimony of witnesses their depositions or affidavits, the Commission will accept same and make it a part of the records in your case. Can you speak Choctaw? A No.

The applicant in this case appears to be a white man and has none of the features or characteristics of an Indian; he does not speak the Choctaw language and knows nothing of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901; and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 27 day of July 1901.

R. H. Linebaugh.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. July 5, 1901.

2819 In the matter of the application of Francis M. Martin for the identification of himself and his two minor children as Mississippi Choctaws.

TESTIMONY OF SUSAN DALE.

Susan Dale being called and sworn as a witness in this case testified as follows in behalf of applicant.

Examination by the Commission:

Q What is your name? A Susan Dale.
Q What is your age? A Forty nine and six months.
Q What is your post-office address? A California, Moniteau County, Missouri.
Q Are you acquainted with the applicant in this case, Francis M. Martin? A Yes.
Q What relation are you to him, if any? A Third cousin.
Q How long have you known him? A Ever since I can remember.
Q Did you know his father and mother? A Yes.
Q What was his father's name? A Jesse Martin, Jr.
Q What was his mother's name? A Perthenia Martin.
Q You were personally acquainted with them were you? A Yes.
Q Did you know Jesse Martin's father and mother? A Yes. No, I don't remember about them.
Q Which one of his parents claimed to be Choctaw Indian? A His father.
Q Is there anything further you can state in regard to the claim of Francis Martin or in support of his application for identification as a Mississippi Choctaw? A I don't think of anything now.
To applicant:
Q Is there any question that you would like to ask her, Mr. Martin?
A I don't know unless it is that I could ask her if there is-

By Francis M. Martin to witness:

Q Were you ever told by your parents that we had Indian blood in us?
A I have heard my father speak of it in a way.

By the Commission:

Q What relation is your father to Francis Martin's father? A Cousins.
Q Are First Cousins? A Yes; my father and his father are first cousins.
Q Well, would not you and he be second cousins then? A No, I don't think I am; my father and his are second cousins.

To applicant Francis M. Martin:

Q Is there anything further that you want to ask? A No.

Witness excused.

Henry G. Hains being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 5, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Subscribed and sworn to before me this 27 day of July 1901.

Henry G. Hains
Notary Public

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 2819

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Francois H. Martin,

Clarksburg, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
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John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

~~“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :~~

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississippi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C. 2819

Muskogee, Indian Territory, February 10, 1902.

F. M. Martin,

Clarkeburg, Missouri,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant in which you state that you made application for the identification of yourself and your minor children as Mississippi Choctaws, as the descendants of William Harris, and as other descendants of the same ancestor have been notified to appear before the Commission at Muskogee, January 13, 1902, and you were not so notified, you ask if it will be necessary for you to appear again before the Commission.

In reply to your letter you are advised that when the consolidated case of which your application is a part was heard at Muskogee, Indian Territory, January 13, 1902, the testimony of several witnesses was taken in support of your application, and you were identified as a descendant of William Harris. It will not, therefore, be necessary for you to appear before the Commission at this time.

Yours truly,

Commissioner in Charge.

M.C.R., 2819.

Muskogee, Indian Territory, April 24, 1902.

Francis M. Martin,
Clarksburg, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail, on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 2819.

COPY

Muskogee, Indian Territory, November 16, 1906.

Francis M. Martin,
Clarksburg, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

No. 2519

For Identification as a Mississippi Choctaw.

Date JUL 3- 1901

Name Francis M. Martin

Age 53

Blood 3/16

Post Office, Clarksburg, Mo.

Father: Jesse Martin Jr. (dead)

Mother: Arthemial A. Martin

Claims through father

wife: Matilda A. Martin
(no claim for her)

Children:

Minnie Martin 19

Sallie " 17

Claims for himself and
two minor children

Stenographer

Henry G. Hains
Jr.

CHOCTAW MCR 2820

ELMORE ROBERTS

MCR 2820

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elmore Roberts, et al., for identification as Mississippi Choctaws, M.C.R. 2820.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Elmore Roberts, et al.

	Page.
Original application of Elmore Roberts, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Affidavit of Carroll Peace	9
Decision of the Commission refusing the application of Elmore Roberts, et al., for identification as Mississippi Choctaws	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. July 8, 1901.

2820

In the matter of the application Elmore Roberts for the identification of himself and his wife, Julia Roberts, as Mississippi Choctaws.

Elmore Roberts having been first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Elmore Roberts.
Q How do you spell it? A I can't spell it.
Q What is your age? A Its about sixty.
Q What is your post-office address? A Its Mexia, Limestone County.
Q How long have you lived there? A About thirty-six years.
Q How long have you lived in Texas? A About thirty-six years.
Q Where did you live before you lived in Texas? A Tennessee.
Q How long did you live in Tennessee? A About twenty- years.
Q Where did you live before you lived in Tennessee? A No where.
Q Were you born in Tennessee? A Yes.
Q And lived there until you removed to Texas? A Yes.
Q Well, you say that you lived in Tennessee about twenty years and in Texas about thirty six, that would make you about fifty-six years old? A Well, that is in the neighborhood of it.
Q Then, you think you are about fifty-six years old, do you? A Yes.
Q What is your father's name? A Jim Roberts.
Q Is he living? A Yes, he was living last year about this time when I heard from him.
Q What is your mother's name? A Lucy Roberts.
Q Is she living? A Well, I don't know whether she is or not.
Q Through which one of your parents do you derive your Choctaw blood? A My daddy.
Q How much Choctaw blood do you claim? A Well, he claimed about nearly full.
Q Well, how much do you claim? A Well, about two-thirds.
Q What other blood had your father? A I reckon negro was the balance of it.
Q Was he ever a slave? A No.
Q You know that he never was a slave? A No, he never was a slave.
Q What was your mother? A Lucy.
Q Well, what was she? A She was a slave, but he bought her.
Q She was a negro? A Yes.
Q Full-blood negro? A No, she was part Indian.
Q She claims to be part Indian too? A Yes.
Q What kind of Indian is she? A Choctaw.
Q Do you claim your right now to identification through your mother also? A Yes.
Q I asked you a little while ago and you said you claimed through your father? A Well, through my mother and father together.
Q How much Choctaw blood had your mother? A Well, I reckon she was about two thirds.
Q Were your father and mother ever married? A Yes.
Q Did they get a license to marry? A Yes.
Q Have you that license that you could file? A No.
Q Yes. A No, I haven't got that.
Q You claim then that both your father and mother were Indians? A Yes.
Q You claim your right now through both of them? A Yes.
Q Were your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw

Elmore Roberts---2

taw tribal authorities or the authorities of the United States? A Yes.
Q Where were they enrolled? A In Mississippi.
Q Did they have any Choctaw names? A Yes.
Q What were these Choctaw names? A Well, I guess- let me see- that's the Mississippi tribe.
Q Well, did they, your father and mother, have any Indian Choctaw names? A Yes.
Q Well, what were they? A Well, one was my grandfather and father was Jim.
Q Well, now, what was your father's Choctaw name? A Jim Roberts.
Q Your father's Choctaw name? That's an English name; what was his Choctaw name? A Jim.
Q Well, that's English; what was his Choctaw name? A I can't exactly get that.
Q Don't you know what I mean? A Well, its Choctaw you're meaning.
Q Well, I asked you if he had any Choctaw name, any other but Jim Roberts? A No.
Q He never had any Choctaw name? A No.
Q Well, you must know what you are saying; now you are under oath, you know. A Yes.
Q Did your mother ever have any Choctaw name? A No.
Q Could they talk Choctaw? A Yes.
Q Did you ever hear them talk Choctaw? A Yes.
Q Can you talk Choctaw? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Julia Roberts.
Q Is she living? A Yes.
Q Do you make any application for your wife? A Yes.
Q What do you claim for her? A Well, I claim about the same for her as I do for myself.
Q Is she Choctaw Indian? A Yes.
Q How much Choctaw blood does she claim? A Well, she claims a third.
Q What was her father's name? A Henry.
Q Henry what? A Henry Lewis.
Q Is he living? A No, he is dead several years ago.
Q What was her mother's name? A I don't know what her mother's name was.
Q Is her mother living? A No, her mother is dead and father too.
Q Through which one of her parents does she claim her Choctaw blood? A Why, her sister, Annie.
Q Now, which one of her parents was Choctaw Indian? A Her sister.
Q Well, she can't claim anything through her sister; was her father or mother Choctaw? A Yes, both of them.
Q Both of them were Choctaw Indians? A Yes.
Q Do you know what you are talking about? A Well, her mother was.
Q And you don't know whether her father was or not? A I don't.
Q About how much Choctaw was her mother? A About two thirds, she told me.
Q What was the rest of her blood? A Was she white? A No, she was dark.
Q Negro? A Yes.
Q And what was her father? A Negro too.
Q Were her father and mother slaves? A No.
Q Were your wife's father and mother slaves? A No.
Q You know they were not? A No.
Q How did it happen that your wife's mother was not a slave if she was a negro? A Well, she had bought her time some way.
Q Well, then, she had been a slave? A Yes.
Q Had her father ever been a slave? A Not that I know of.
Q Has your wife's mother through whom you claim she has a right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the

Elmore Roberts---3

United States? A No, she wasn't.
Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application at this time? A No, not any.
Q Your children are all over age or married? A Yes.
Q You are just making this application for yourself and wife? A Yes.
Q Is your name or is the name of your wife on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or wife to be enrolled as members of that tribe? A No.
Q Has your wife ever made application to be enrolled as a member of the Choctaw tribe? A No.
Q Did you or your wife, or any for either of you, in 1896, make application to the Commission to the Five Civilized Tribes, that is this Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Do you know what that means? A Not exactly.
Q Did either you or your wife or anybody for you, five years ago make application to the Dawes Commission to be admitted as citizens of the Choctaw Nation? A No.
Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, that is the Dawes Commission, or by judgment of the United States Court in Indian Territory? A No.
Q Have you ever made application prior to this time to either the authorities of the Choctaw tribe or the authorities of the United States for yourself or wife to be admitted or enrolled as citizens of the Choctaw Nation? A No; not until now.
Q Has your wife ever made any application to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application that you have ever made of any description? A Yes.
Q Is this the first application that has ever been made for your wife? A Yes.
Q Is it now your purpose to make application for identification as Mississippi Choctaws, yourself and your wife? A Yes.
Q How do you claim now the right to identification as Mississippi Choctaws? A How do I claim?
Q Yes. What is your claim? A Well, I was just taking the claim of their rights from the Choctaws of Mississippi.
Q Well, what do you think gives you the right to come now and make such an application? A Well, I thought I had a right.
Q Well, what made you think you had a right? A To seek after it.
Q Well, what made you think that? A Well, the reason why I thought that, I thought I was Indian- that I would make an application.
Q You are making this application, then, because your father and mother and your wife's father and mother were Indians, is that it? A Yes.
Q Do you claim your rights for yourself or wife as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes.
Q Do you know what that article is? A Well, in 1830, the fifteenth or eighteenth- why, I thought that that's, that I had the right.
Q What do you mean by the fifteenth and the eighteenth? A That's the time that I heard of this.
Q Well, now, I asked you if you claim your right under the provision of the fourteenth article of the treaty of 1830, and you said you did, and I asked you if you knew what that article was? You don't understand my question. A Well, no, I can't exactly answer that, 'cause I don't understand it.
Q Well, do you know what the treaty of 1830 is? A No, I don't.
Q When you don't understand you can say so. Well, now, in 1830 the United States wanted to make a treaty with the Choctaw Indians in

Elmore Roberts--4

order that they could move all the Indians from the State of Mississippi over to this Indian Territory, and they couldn't get a treaty with the Indians until they made some provision for those Choctaw Indians who didn't want to come West to the new country, but wanted to stay back there in Mississippi; so this fourteenth article of the treaty of 1830 was made a part of the treaty for the benefit of those Indians who wanted to stay in Mississippi. And the fourteenth article of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." When, after they put this article into the treaty, they got a treaty with the Choctaws alright; and this article means that all those Indians who wanted to stay there in Mississippi could go to the Indian Agent there in Mississippi and to the Choctaw Indians, and within six months after this treaty was ratified and tell him that they wanted to stay in Mississippi, that they didn't want to come West, and that they would be given 640 acres of land, and 320 for children over ten years of age and 160 for children under ten years of age; and it also provided that if they did this and took land under that article they would not lose the privilege of a Choctaw citizen, but, if they ever removed, they were not to be entitled to any portion of the Choctaw annuity. Now do you make your claim under this article? A No.

Q Yes. Do you make this claim for yourself and wife under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Do you make your claim under any other law or treaty than this one? A No.

Q You rely solely upon this fourteenth article of the treaty of 1830 for your claim, do you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your fore-parents ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor, your foreparents, your father or mother or grandfather or grandmother, or great-grandfather, who lived in the old Choctaw nation in Mississippi and Alabama in 1830 at the time this treaty was made and who was a recognized citizen of the Choctaw nation at that time? A Who were?

Q Yes. A The Indians I guess.

Q How what was the name of your grandfather, your father's father?

A His name was Roberts.

Q Well, what was his other name? A Well, his son was named after him, Jim.

Q Your grandfather then, was named Jim Roberts? A Yes.

Q Was he a Choctaw Indian? A Yes.

Q What was your grandmother's name? Your father's mother's name? A Lucy.

Q Well, your mother's name was Lucy; what was your grandmother's name? A Betsey Roberts.

Q What was her name before she married? A Betsey Walker.

Q Was she a Choctaw Indian? A Yes.

Q Now, what was your mother's father's name? A He was named Peter.

Elmore Roberts---5

Q Peter what? A Peter Walker.

Q You said that was your father's mother's name; now what is your mother's father's name? A Well, Peter.

Q Peter what? A Peter Walker.

Q Was your mother's name before she was married the same as your grandmother's name, as your father's mother's name? A Yes.

Q How do you know that? A Well, that is what she told me.

Q Who told you? A My mother.

Q Your mother told you that her father's name was Peter Walker?

A Yes.

Q Was he any relation to Betsey Walker? A No, he wasn't any relation to her.

Q What was your mother's mother's name? A Betsey.

Q You said your father's mother's name was Betsey; what is your mother's mother's name? A Betsey; they was two Betsey Walkers.

Q What was her name before she was married? A Well, they give her a kind of nick-name- they called her Sis or something-

Q Well, I am not talking about that. You said your mother's mother's name was Betsey Walker. A Yes.

Q Well, that's her name after she married Walker, her husband Peter Walker; well what was her name before she married her husband, Peter Walker? A Nancy.

Q Betsey Nancy? A Yes.

Q What was her other name? Betsey Nancy Smith or Jones or-A Smith.

Q Do you know anything about your mother's or father's people? A I know their names just as I give them to you.

Q Well, you didn't give them; you just took them as I gave them; now, what was your mother's mother's name- Betsey Nancy what? A She went by the name of Walker.

Q Well what was her name before she married? A Well, I am not able to tell you that.

Q Were these people living in Mississippi in 1830? A Yes.

Q How do you know that? A 'Cause I was living in Tennessee and they was living in Mississippi.

Q You were not living in Tennessee in 1830. A Well, in 1830 I was in Texas.

Q In 1830 you were not born; what I want to know is, were these grandparents of yours living in Mississippi in 1830? A Yes.

Q That's over seventy years ago; how do you know that they were?

Q Well, I know that they were.

Q Well, how do you know? I am trying to find out how you know it so that the Commission can tell it. It is a very material point that this Commission knew; I asked you if they were living in Mississippi in 1830? A Yes they were.

Q Now I ask you how do you know that they were? A Well, I know from what older people told me.

Q Well, now, who is there living that knows anything about your grandparents? A I have got a fellow-servant that knows about me and father too.

Q Did he know about them personally? A Yes.

Q What is his name? A Carrol Peace.

Q Where does he live? A About two miles of me.

Q How old is he? A About eighty-five years.

Q And he knew your grandfather and grandmother personally? A Yes.

Q Can you get his testimony personally about them? A Yes.

Q Could you bring him before the Commission? A I can fetch him before the Commission, but I have given his statement to Mr. White.

Q Well, it would be much better for the Commission if you could bring him before the Commission to testify. A Yes, but it is something over 200 miles.

Q If you cannot bring him in person before the Commission you had better get his deposition and send it up here. A Yes.

Elmore Roberts---6

Q Did any of these grandparents of yours, if Choctaw Indians, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A Here to the Nation? To the Indian Nation?

Q Yes. A My father has been here.

Q Did your father live in Mississippi in 1830? A Yes.

Q Did your mother live in Mississippi in 1830? A Yes.

Q You say your father moved to the Indian Territory between the years of 1833 to 1838? A Yes.

Q Have you any evidence of that? A Yes.

Q Is your father living? A Yes.

Yes he was living last year about this time in Nashville Tenn.

Q Can you get him here before the Commission? A I don't know whether I can or not.

Q Did any of your fore-parents remove from the Choctaw Nation in Mississippi to the Indian Territory when your parents came? A No.

Q They didn't go to the Agent within six months after the ratification of the treaty of 1830? A Yes I suppose they did.

Q Well, do you know they did? A Yes.

Q How do you know? A (No answer).

Q I asked you if any of them went to the Indian Agent within six months after the ratification of the treaty of 1830 in Mississippi, and told the Indian Agent there in Mississippi that they wanted to stay in Mississippi, that they didn't want to come out here to this new country, that they wanted to stay there? A No none; there were none.

Q There were none? None what? A Came here.

Q Well, I didn't ask you that now; I ask you now if they went to the Indian agent there in Mississippi and told him that they didn't want to come West with the other Indians, that they wanted to stay there and take land in Mississippi? A Yes.

Q Which one of them? A My father.

Q Well, you said your father came out here? A Here?

Q Yes. A Yes, he came here.

Q Well, he couldn't come out here and do that too? A He came out to the Indian Territory.

Q Well, he didn't go to the Indian Agent, then, in Mississippi and tell him that he wanted to stay there in Mississippi? A Well, he came out here.

Q What time did he come? A I don't know.

Q You don't know whether he went to the Indian Agent? A No.

Q Well, do you know anything about any of your fore-parents, your grandfather or grandmother, or your mother? A No.

Q Have any of your fore-parents ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Did they, any of them, ever receive any scrip from the United States Government, or any money? A No.

Q Is there anything else you would like to say in regard to this application? A No; I don't know what it is.

Q Have you any affidavits, or patents, or records or deeds or any kind of papers that you want to file now in support of your application? A One.

Affidavit of Carroll Peace offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case.

Q Now, do you think you can get this man's deposition to file with the Commission? A Yes.

Q Do you think you can get your father to testify? A Yes, by writing to him.

Q Is there anybody else living who knew your of your father and

Elmore Roberts---7

mother and any of your ancestors being Choctaw Indians? A None, only him; the balance of the old heads is dead but me and him.

Q What is your wife's age? A About seventy years old.

Q She is older than you are? A Yes.

Q How long have you been married? A Ten or fifteen years.

Q She has always lived with you since your marriage? A Yes.

Q Do you know anything about where she lived before that time?

A No, she came from Alabama to Texas.

Q Do you know where she was born? A In Mississippi.

Q Did her father live in Mississippi in 1830? A Yes.

Q Did her mother live in Mississippi in 1830? A Yes.

Q Were they both recognized members of the Choctaw tribe of Indians there at that time? A Yes.

Q Do you know what Julia Robert's father's mother's name was? A No, I don't.

Q Do you know what her father's father's name was? A No.

Q Do you know what her mother's father's name was? A No.

Q Do you know what her mother's mother's name was? A I don't.

Q Do you think her father and mother lived in Mississippi in 1830?

Q They died there.

Q When? A About two years ago.

Q They just died about two years ago? A Yes.

Q Have you any evidence of that fact? A Yes.

Q What evidence have you? A Well, I have evidence of my fellow-servant.

Q Does he know anything about your wife? A Yes.

Q How does he know anything about her? A Well, we have been living there close together.

Q Did this fellow-servant, Carroll Peace, know your wife back in Mississippi? A No.

Q He don't know anything about her then, except what he has heard from you and your wife? A That's all.

Q Is there anybody living who did know anything about her parents?

A No, all her folks is dead except me and father.

Q You didn't know her father in Mississippi? A No.

Q You say your wife's father and mother died in Mississippi about two years ago? A Yes.

Q Have been living in Mississippi all their lives? A Yes, they died there.

Q They didn't come West then, when the other Indians came? A No.

Q Did they or either one of them go to the Indian Agent there in Mississippi and tell him that they didn't want to come away but wanted to stay in Mississippi and take land there and become citizens of the United States? A If they did I don't know anything about it.

Q Have any of your wife's ancestors ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No.

Q Did they, any of them, receive any script or money? A No.

Q You don't think that you could get any witnesses about your wife's people? A There is not, because all the people but me and father and my fellow servant is dead.

Q Why didn't she come herself? A 'cause she has been sick several days.

Q You don't know very much about her people? A No, they was in Mississippi and I come from Tennessee to Texas.

Q Have you any affidavits or records or deeds or patents or any kind of papers that you want to file in support of your wife's claim?

A I would like to.

Q Have you any now? A No.

Should you wish to offer any further evidence in behalf of your application for identification as a Mississippi Choctaw or of the application you make for your wife, either the oral testimony of witnesses, their affidavits or depositions, the Commission will accept

Elmore Roberts-----

the same and make it a part of the record in your case.

A I would like to do so.

Q Well, you will be permitted to do so.

This applicant has every appearance and features of a full-blood negro. He shows no traces whatever of Indian blood. His hair is very curly-kinky and he has the flat nose, thick lips of a negro. He does not speak the Cheetaw language and has no knowledge of any compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1836. He knows almost nothing about his ancestors and knows nothing at all about his wife's ancestors.

It has been very difficult to elicit any intelligent answers from this applicant.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of July 1901.

R. H. Linsbaugh
Notary Public

L. & D.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elmore Roberts, et al., for identification as Mississippi Choctaws, H.C.R. 2820.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Elmore Roberts for himself and his wife, Julia Roberts, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that the applicant, Elmore Roberts, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jim Roberts and Nancy Roberts (nee Wall-

er), and Peter Walker and Betsy Nancy (or Sis) Walker (nee Smith), all of whom are alleged to have been possessed of Choctaw Indian blood, degree thereof not positively stated, and to have lived in Mississippi in eighteen hundred and thirty; and that the applicant, Julia Roberts, claims said rights by reason of being a descendant of Henry Lewis, who is alleged to have been possessed of Choctaw Indian blood, degree thereof not stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Roberts, or Betsy Roberts (nee Walker), or Peter Walker, or Betsy Nancy (or Sis) Walker (nee Smith) or Henry Lewis, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims

by the acts of Congress approved March 3, 1837, (5 Stats., 180),
and August 23, 1842, (5 Stats., 613).

It is therefore the opinion of this Commission that
the evidence herein is insufficient to determine the identity of
Elmore Roberts and Julia Roberts as Choctaw Indians entitled to
rights in the Choctaw lands under article fourteen of the treaty
of eighteen hundred and thirty, and that the application for their
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

M.C.R. 2020.

COPY

Wuskogee, Indian Territory, October 31, 1902 .

Elmore Roberts,

Wexia, Texas.

Dear Sir:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elmore Roberts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elmore Roberts and Julia Roberts as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

M. R., 2.

together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Kirby

Acting Chairman.

Registered.

M.C.R.2820.

COPY.
Muskogee, Indian Territory, October 31, 1902.

Wansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elmore Roberts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elmore Roberts and Julia Roberts as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

M., M. & C., 2.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Kirby

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Elmore Roberts, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixby
Acting Chairman.

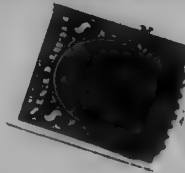
Through the Commissioner
of Indian Affairs.

Enc.: M.C.R.2820.

FILED
DEC 12 1902

CHAIRMAN



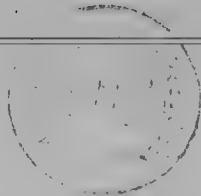


Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



B 53

Elmore Roberts,

Nexia, Texas,

3802

2377

Land.
69,831-1902.

-:- COPY -:-

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 8, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Elmore Roberts, for himself, and his wife, Julia Roberts, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 31, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application because of their descent from Jim Roberts and Betsey Roberts (nee Walker), and Peter Walker and Betsey Nancy (or Sis) Walker (nee Smith, who they claim were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the parties through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

-:- 2 -:-

An examination has been made of the records of this office with reference to Jim Roberts and Betsey Roberts (nee Walker), an Peter Walker and Betsey Nancy (or Sia) Walker (nee Smith), and it is found that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,
Commissioner.

(E.B.H.)

P.

D.C. 2325

-:- COPY -:-

EAF.

ITD.268-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.

January 21, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Elmore Roberts and his wife, Julia Roberts.

Elmore Roberts claims to be a descendant of one Jim Roberts and Betsey Roberts (nee Walker), and ~~James~~ Walker and Betsey Nancy (or Sis) Walker (nee Smith), all of whom are alleged to have been Choctaw Indians residing in Mississippi in 1830. Julia Roberts endeavors to trace her descent from one Henry Lewis, who is said to have been a Choctaw Indian. The record fails to show that either of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that any one of their alleged ancestors above named, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 31, 1902.

The Commissioner of Indian Affairs reporting in the matter January 8, 1903, recommends approval of your decision. A copy of his letter is inclosed. Upon a careful review of the whole record the Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

2820



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 18 1903

A handwritten signature in dark ink, appearing to be 'H. B. ...'.

CHAS. H. ...



75

Department of the Interior.

Commission to the Five Civilized Tribes,

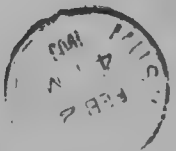
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Elmore Roberts,

Mexia, Texas.



RETURN TO WRITER
Muskogee, Ind. Ter.

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2820

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

Elmore Roberts,
Mexico, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elmore Roberts, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,



Acting Chairman.

M.C.R. 2320

COPY.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elmore Roberts, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED).

Tams Platt

Acting Chairman.

No. _____

For Identification as a Mississippi Choctaw.

JUL 5- 1901

Date

Name

Elmore Roberts.

Age

³⁶
60

Blood claim $\frac{2}{3}$

Post Office,

Mexia Texas

Father:

Jim Roberts

Mother:

Lucy Roberts (drinking)

Claims through both parents

wife: Julia Roberts $\frac{1}{3}$ 70

Father Henry Lewis (dead)

Mother _____ (dead)

(wife claims through mother)

Children:

Claims for self and
wife.

Stenographer

Henry S. Harris

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW, R-28-20

Elmore Roberts et al

REFUSED

DECISION RENDERED. OCT 31 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS.

JAN 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 31 1903

CHOCTAW MCR 2821

WESLEY A. HODGES

MCR 2821

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Wesley A. Hodges, et
al., for identification as Mississippi Choctaws, consolidating the
applications of

Wesley A. Hodges,
Annie L. Hodges, et al.,

M C R 2821
M C R 2822

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Wesley A. Hodges before the Dawes Commission for identification as a Mississippi Choctaw.	1
Examination of Sarah Hodges in support of application.	2
Examination of R. G. Shaw in support of application.	3
Examination of William T. Wells in support of application.	3
Original application of Sarah Hodges before the Dawes Commission for the identification of her five minor children, as Mississippi Choctaws.	4
Decision of the Commission refusing the con- solidated application of Wesley A. Hodges, et al., for identification as Mississippi Choctaws.	7

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Wesley A. Hodges for identification as a Mississippi Choctaw.

Said Wesley A. Hodges, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Wesley A. Hodges.
Q What is your age? A Twenty-two.
Q What is your postoffice address? A Mathiston, Mississippi.
Q How long have you lived in Mathiston? A Have been living there about twelve years.
Q Where were you born? A In Webster County.
Q Did you always live in Mississippi? A Yes sir.
Q What is your father's name? A Ben Hodges.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Sarah Hodges.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A Father.
Q How much do you claim? A One sixteenth.
Q Was your father, through whom you claim your right to identification as a Mississippi Choctaw, ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q Do you claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? A No sir.
Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
Q Have you ever made application before this time to any authority, either the Choctaw Tribal authorities or the United States authorities for membership in the Choctaw Nation? A Never have.
Q Is this the first application of any kind you ever made? A Yes sir.
Q Do you now make application to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you make this claim for identification as a beneficiary under article 14 of the treaty of 1830? A Yes sir.
Q Did you or any of your ancestors ever receive any benefits as Choctaw Indians? A Never did.
Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830 and who were at that time recognized members of the Choctaw Tribe of Indians? A No sir.

Wesley A. Hodges ---2

- Q Can you give me the name of any of your father's ancestors?
What was your grandfather's name? A John Hodges.
- Q And what was Ben Hodges Mother's name? A Elizabeth Hodges.
- Q Which of Ben Hodges parents had Choctaw blood? A His mother.
- Q Do you know anything about her ancestors? A No sir, only what I have been told.
- Q What have you been told? A No sir, I don't know.
- Q Can you give me the names of any of them? A No sir.
- Q Is there anyone you know of that would know anything about their Indian blood? A Yes sir.
- Q Well, give their names and addresses if you can? A I suppose so, I have heard it.
- Q You can't give the names of anyone then? A No sir.
- Q Did your ancestors, if Choctaw Indians, go to Indian Territory from Mississippi or Alabama with the other Indians when they were removed by the Government between the years 1833 and 1838? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, go to the United States Indian Agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, I mean your fathers Indian ancestors, or your father either, claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know.
- Q Do you speak the Choctaw language? A I speak English.
- Q Do you speak Choctaw? A No sir.
- Q Are there any additional statements you want to make at this time in support of this application? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was ratified, that they ever complied or attempted to comply with the 14th article of that treaty or ever received any benefits thereunder? A No sir.
- Q Would you like time in which to introduce such evidence? A

Messrs. Hudson & Arnold, attorneys for applicant, request additional time in which to file documentary or other evidence in support of this application.

Permission is granted Messrs. Hudson & Arnold, attorneys for applicant, to file documentary or other evidence in support of this claim, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance of a person descended from white ancestry. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

Sarah Hodges, being called to testify and being first duly sworn, states as follows:-

Examination by counsel for applicant.

Wesley A. Hedges---4

Q Mrs. Hedges you made an application a few minutes ago, did you?

A Yes sir.

Q Are you the mother of the applicant, Wesley A. Hedges? A Yes sir

Witness excused.

R. G. Shaw, being called as a witness and being first duly sworn, testified as follows:-

Examination by counsel for applicant.

Q What is your name? A R. G. Shaw.

Q You are acquainted with Wesley Hedges, do you see any trace of Indian features about the face? A Yes, I think I do. In my judgment.

Witness excused.

William T. Wells, being first duly sworn, testified as follows:-

Examination by Mr. Arnold, counsel for applicant.

Q You have met Mr. Wesley Hedges.

A Yes sir.

Q Can you see any trace of Indian in his features? A I think so, yes sir.

Q Then he has the appearance of an Indian about the face, has he?

A Yes sir, he has to me.

Witness excused.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your post office address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.

Ira S. Niles
[Signature]
Notary Public.

471.2.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Wesley A. Hedges, et al., for identification as Mississippi Choctaws, consolidating the applications of

Wesley A. Hedges,
Annie L. Hedges, et al.,

M. C. R. 2821
M. C. R. 2822

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Wesley A. Hedges for himself; and by Sarah Hedges for her five minor children, Annie L., Charlie T., Thomas M., Willie M. and Margaret M. Hedges, under the following provision of the act of Congress approved June 28, 1896, (30 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

2.

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Elisabeth Hedges (nee Hawkins), who is alleged to have been an one fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elisabeth Hedges (nee Hawkins), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wesley A. Hedges, Annie L. Hedges, Charlie T. Hedges, Thomas M. Hedges,

2.

Ellie M. Hedges and Margaret M. Hedges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamm Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 27 1902

COPY.

M.C.R.2821

Muskegee, Indian Territory, October 27, 1902.

Wesley A. Hodges,

Mathiston, Mississippi.

Dear Sir:-

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wesley A. Hodges, et al., embracing the following applications for identification as Mississippi Choctaws:

Wesley A. Hodges, M.C.R.2821;
Annie L. Hodges, et al., M.C.R.2822.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wesley A. Hodges, Annie L. Hodges, Charlie T. Hodges, Thomas M. Hodges, Ollie M. Hodges and Margaret M. Hodges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W. A. H., B.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

Registered,

COPY.

M.C.R.2821

Muskogee, Indian Territory, October 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wesley A. Hodges, et al., embracing the following applications for identification as Mississippi Choctaws:

Wesley A. Hodges, M.C.R.2821;
Annie L. Hodges, et al., M.C.R.2822.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wesley A. Hodges, Annie L. Hodges, Charlie T. Hodges, Thomas M. Hodges, Ollie M. Hodges and Margaret M. Hodges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen

M., Mex. & C., 2.

hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.²

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

ODPV.

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Wesley A. Hodges, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Wesley A. Hodges,	M C R 2821
Annie L. Hodges, et al.,	M C R 2822

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
Enc. M C R 2821.

James D. Kirby
Acting Chairman.

(COPY)

Land

68314--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application of the following parties: Wesley A. Hodges, for himself; and by Sarah Hodges for her five minor children, Annie L., Charlie T., Thomas M., Ollie M. and Margaret M. Hodges, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 27, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Elizabeth Hodges, nee Hawkins. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the

party through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Elizabeth Hodges, nee Hawkins, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

R.B.H.(E.)

(COPY)

D C 5930-1903

DEPARTMENT OF THE INTERIOR.

NAV.

ITD.1346-1903.

Washington.

L.R.S.

February 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 12, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Wesley A. Hodges and of Sarah Hodges and her minor children, Annie L., Charlie T., Thomas M., Ollie M. and Margaret F. Hodges, including your decision of October 27, 1902, denying the applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Elizabeth Hodges, nee Hawkins, who is alleged to have been a one-fourth blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Elizabeth Hodges or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 6, 1903, the Acting Commissioner of

-2-

Indian Affairs recommends your decision be approved. A copy of his letter is inclosed herewith.

The Department, after a careful consideration of the whole record, affirms the decision rendered.

Respectfully,

(Signed) Thom. Ryan,

1 inclosure.

Acting secretary.

COPY.

M.C.R. 2621.

Muskogee, Indian Territory, March 12, 1905.

Wesley A. Hodges,

Mathiston, Mississippi.

Dear Sir:

You are hereby notified that on the 26th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wesley A. Hodges, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M.C.R. 2821.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wesley A. Hodges, et al., of which decision you were advised by mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

REFER TO M. C. R. 2821

Wesley A. Hodges
love

Consolidated Case

SEX

AGE

POST OFFICE

RESIDENCE
COUNTY

NAME

CARD No.

Elizabeth Hawkins
was
John Hodges

Ben Hodges 18
wife
Sarah Hodges, w.

Wesley Hodges 22 1/4

Annie K. Hodges 20 1/2

Charlie J. Hodges 15

Thomas M. Hodges 14

Ollie M. Hodges 10

Margaret M. Hodges 7

#1044

No. 2011

For Identification as a Mississippi Choctaw.

Date . JUL 1 1901

Name Wesley A. Hodges

Age 22 — Blood 1/16

Post Office, Mathiston, Miss

Father: Ben Hodges d

Mother: Sarah Hodges l

Claims through father

~~Children:~~

claims for
self alone

Stenographer I. A. Miles

Wesley A. Hodges

R. 28 31

REFER TO M. C. R. 2822

REFUSED

DECISION RENDERED. OCT 27 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 02

RECORD FORWARDED DEPARTMENT.

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 12 1903

CHOCTAW MCR 2822

ANNIE L. HODGES

MCR 2822

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Sarah Hodges for the identification of her five minor children as Mississippi Choctaws.

Said Sarah Hodges, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sarah Hodges.
Q What is your age? A Forty six.
Q What is your postoffice address? A Mathiston, Mississippi.
Q How long have you lived there? A About twelve years.
Q Where were you born? A Born and raised in this State.
Q Are you now making application for your minor children? A Yes sir.
Q Do you claim any Choctaw blood? A No sir.
Q Are you white? A Yes sir.
Q And you make application for your minor children? A Yes sir.
Q Do you claim Choctaw blood for them through your husband? A Yes sir.
Q What is your husband's name? A Ben Hodges.
Q Is he living? A No sir, dead.
Q How much Choctaw blood did he have? A I don't know, about one-eighth I reckon.
Q How much Choctaw blood do you claim for your children? A About one-sixteenth, I reckon.
Q Give me the name of the oldest child? A Annie L. Hodges.
Q How old? A Twenty.
Q Next? A Charlie T. Hodges.
Q How old is he? A Fifteen.
Q Next? A Thomas M. Hodges.
Q How old? A Fourteen.
Q Next? A Ollie M.
Q How old? A Ten.
Q Next? A Margaret M.
Q How old? A Seven.
Q Is that all? A Yes sir.
Q Was Ben Hodges the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q He is now dead? A Yes sir.
Q Do you claim Choctaw blood for them through their father, Ben Hodges? A Yes sir.
Q When and where were you married to Ben Hodges? A In Webster County, Mississippi.
Q When? A In July, 1877.
Q Do you remember the day of the month? A July 12th, 1877.
Q Are these children living with you at your home now? A Yes sir all but one.
Q But you support them all, do you? A Yes sir.
Q Can you give me the name of Ben Hodges father? A John Hodges, I think.
Q What was the name of his mother? A Elizabeth Hodges.
Q Through which one of these two parents did your husband, Ben Hodges, claim his Choctaw blood? A Through his mother.
Q Has your husband, Ben Hodges, through whom you claim for these children right to an identification as Mississippi Choctaws, ever

Sarah Hedges for her five minor children--2

been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.

Q Are the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q When did your husband die? A In 1896, I think.

Q Where did he die? A Near Waltham, Webster County.

Q Do you remember the day of the month he died? A Fifteenth of September, 1896.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of these children as members of the Choctaw Tribe? A No sir.

Q Did you for these children, or anyone else for them, in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.

Q Have these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application for these children, or has anyone for them, prior to this time, either to the Choctaw Tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Is it the first application that has ever been made for them? A Yes sir.

Q Do you now make application for their identification as Mississippi Choctaws? A Yes sir.

Q Do you make this claim for them as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Did your husband's ancestors or did they ever receive any benefits as Choctaw Indians? A Not that I know of.

Q Did he ever receive any benefits as a Choctaw Indian? A Not that I know of.

Q These children never received any benefits? A No sir.

Q Can you give me the name of any of your husband's Indian ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi or Alabama at that time, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians and the United States Government? A No sir, I can't except his father and mother, John and Elizabeth Hedges.

Q What was his mother's maiden name? A Elizabeth Hawkins.

Q Do you know of any testimony that can be obtained as to your husband's Indian ancestors? A No sir.

Q Have you any documentary evidence to show that any of your husband's Indian ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.

Q Did any of these children's ancestors remove from the territory occupied by the old Choctaw Nation here in Mississippi or Alabama and go to the Indian Territory between the years 1833 and 1838 when the other Indians went there? A I don't know.

Q Did any of these children's ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent of the Choctaw Indians in Mississippi and tell him that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your children's ancestors, I mean the direct kin folks of their father, did any of them ever receive any land from

Sarah Hedges for her five minor children---3

the Government under article 14 of the treaty of 1830? A Not as I know of.

Q Did your husband speak the Choctaw language? A Well, he spoke just as we do, that is all I know.

Q He spoke English then? A Yes sir.

Q Have these children any knowledge of any other language except English? A No sir.

Q Is there anything further you want to say in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of the ancestors of these children were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to present documentary and other evidence in support of this application?


Hudson & Arnold, attorneys for applicants, request additional time in which to file documentary evidence in support of this application.

Permission is granted Messrs. Hudson & Arnold, attorneys for applicants, to file written or other evidence in support of this claim, ~~xxx~~ provided the same is offered for filing with the Commission within thirty days from the date hereof.

The decision of the Commission as to your application, which you make in behalf of your five minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.


Notary Public.

COPY.

N.C.R. 2822.

Muskogee, Indian Territory, October 27, 1902.

Annie L. Hodges,

Wathiston, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Wesley A. Hodges, et al., embracing the following applications for identification as Mississippi Choctaws:

Wesley A. Hodges, N.C.R. 2821;
Annie L. Hodges, et al., N.C.R. 2822.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wesley A. Hodges, Annie L. Hodges, Charlie T. Hodges, Thomas M. Hodges, Ellie M. Hodges and Margaret M. Hodges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen

A. L. N., 2.

hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

Registered.

M.C.R. 2822.

COPY.

Muskogee, Indian Territory, March 13, 1903.

Annie L. Hodges,

Mathiston, Mississippi.

Dear Madam:

You are hereby notified that on the 26th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wesley A. Hodges, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

#1045

No. 2

For Identification as a Mississippi Choctaw.

Date

JUL 1 1901

Name *Sarah Hodges, (w) who*
claims for minor children
Age *46* Blood *1/16 (for children)*

Post Office, *Mathiston, Miss.*

Father: of children
Ben Hodges, 1/8 Choctaw

Mother: of children, *Sarah Hodges, 1*
children

Claims through father *Ben Hodges.*

Ben Hodges father {
John Hodges, {
Elizabeth Hodges (mother)
Ben Hodges claimed blood
this mother

Children:

Annie L. Hodges. 20

Charlie T. " 15

Thomas M. " 14

Ollie M. " 10

Margaret M. " 7

Claims for her 5
children,

Stenographer *J. S. Miles*

Annie L. Hodges et al

REFUSE TO M. C. R.

REFUSED

DECISION RENDERED. OCT 27 1902

NO DECISION MADE BY APPLICANT.

OCT 27 1902

NOTICE OF DECISION MADE BY APPLICANTS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 27 1902

RECORD FORWARDED DEPARTMENT.

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 26 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED BY SECRETARY OF INTERIOR
FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 12 1903

CHOCTAW MCR 2823

ZIPPY BELL

MCR 2823

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

1

In the matter of the application of Rippy Bell, et al.,
for identification as Mississippi Choctaws ----- M C R 2223.

List of papers forwarded to Secretary of the Interior
comprising the record in above entitled case.

Original application of Rippy Bell
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1
Decision of the Commission refusing the
application of Rippy Bell, et al., for
for identification as Mississippi Choctaws..... 6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Zippy Bell for the identification of herself and five minor children as Mississippi Choctaws.

Said Zippy Bell, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q Q What is your name? A Zippy Bell.
Q What is your age? A Forty.
Q What is your postoffice address? A Mathiston, Mississippi.
Q How long have you lived at Mathiston, Mississippi? A Been there about thirteen years.
Q Where did you live before that? A I come from Winton.
Q What County? A Winston County.
Q Where were you born? A Winston County.
Q What is your father's name? A Andrew Holmes.
Q Is he living or dead? A Living.
Q What is your mother's name? A Ishta Holmes.
Q Is she living? A No sir, dead.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A My mother was a whole Indian, so they told me.
Q You claim one-half on that, do you? A Yes sir.
Q You don't claim through your father? A No sir.
Q How much do you claim? A Well, they tells me my mother was a whole Indian.
Q Well, how much would that make you? A Half, I reckon.
Q What was your father's blood? A He was black folks.
Q Were either of your parents slaves before the war? A Yes sir.
Q Which was? A My father.
Q Was your mother a slave? A Yes sir.
Q She was a full blood Indian, are you sure she was a slave?
A That is what folks tell me.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the authorities of the United States? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Bell.
Q Do you make any claim for your husband? A No sir.
Q What is his blood? A He is a colored man.
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir, five.
Q What is the name of the oldest? A Collins.
Q Boy? A Yes sir.
Q How old? A Thirteen.
Q What is the name of the next? A Annie B.
Q How old? A Nine.
Q What is the name of the next? A Lula B.
Q How old is she? A Seven.
Q Next? A Four years old.
Q What is the name? A Betsie.

Q Next? A Wright.
Q Boy? A Yes sir.
Q How old? A Five.
Q Is he older than Betsie? A Yes sir.
Q Is William Bell the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you married to your husband under a license? A Yes sir.
Q By an ordained minister? A Yes sir.
Q How long ago? A Thirteen years ago.
Q Is your name or the name of anyone of your children on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made an application to the Choctaw Tribal authorities in Indian Territory for yourself and children to be enrolled as members of the Choctaw Tribe? A No sir, not before now.
Q Did you or anyone for you in 1896, or for your children at that time, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted or your children to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
Q Is this the first application you have ever made of any kind? A Yes sir.
Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
Q Do you claim this right for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
Q Have you ever received any benefits in land or money from the Government as a Choctaw Indian? A No sir.
Q Have your ancestors, I mean your kin folks, grandfather, grandmother, great grandfather or great grandmother, ever received any benefits, land or money, as Choctaw Indians? A No sir.
Q Can you give me the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were recognized members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians? A No sir, I can't give you the names of none of my grandfathers or grandmothers. I just know my father and mother.
Q Don't you know the names of your mother's parents or father's parents? A My father's parents lived in Virginia.
Q Can't you tell me the names of any of your Indian kin folks? A I can't give the names of any of my mother's kin folks.
Q Do you know anybody who can give the names of any of your mother's kin folks? A No sir.
Q Have you any evidence showing that any of your Indian ancestors were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.
Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians from 1833 to 1838? A I don't know.

Zippy Bell et al---3

Q Q Now, if your Indian ancestors did not go to the Territory at that time, did any of them within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaw Indians living in Mississippi at that time that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, your kin folks, your Indian ancestors, receive or claim any land from the Government under article 14 of the treaty of 1830? A I don't know.

Q Do you speak Choctaw? A No sir.

Q Don't you understand the language at all? A No sir.

Q Have you lived among the Choctaw Indians? A When I was in Winston I was living near the Indians.

Q You are considered part Indian by the Indians, are you not? A Yes sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentar evidence?

J. E. Arnold, attorney for applicant requests additional time in which to file written evidence in support of this application.

Permission is granted J. E. Arnold, of the firm of Hudson & Arnold, attorneys for applicants, to file written evidence in support of this claim, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance of a person descended from an ancestry composed of mixed Indian and negro blood. Her appearance indicates in a marked degree that her testimony is correct in which she claims one-half negro and one-half Choctaw blood. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.


The decision of the Commission as to your application and the application you make on behalf of your five minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice addresses given in your testimony at this time.

Hippy Bell et al—4

Ira M. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 18th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

Mr. C.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Elpy Bell, et al.,
for identification as Mississippi Choctaws, N O R 2323.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Elpy Bell for herself and her five minor children, Collins, Annie B., Lela B., Betula and Wright Bell, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, not to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Ishta Holmes, who is alleged to have been a full blood Choctaw Indian.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1906 (34 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ishta Holmes, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897 (5 Stat., 100), and August 23, 1942 (5 Stat., 513).

It is therefore the opinion of this Commission that

the evidence herein is insufficient to determine the identity of
Hippy Bell, Collins Bell, Annie M. Bell, John M. Bell, Jennie Bell
and Wright Bell as Cherokee Indians entitled to rights in the Chap-
tan lands under the provisions of said Article Fourteen of the
Treaty of eighteen hundred and thirty, and that the application
for their identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

GRANTED

Jane Bixby.

Assistant.

GRANTED

T. B. Needles.

Commissioner.

GRANTED

C. R. Breckinridge.

Assistant.

McIntosh, Indian Territory.

OCT 30 1902

COPY.

Muskogee, Indian Territory, October 30, 1902.

Zippy Bell,

Mathiston, Mississippi.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zippy Bell, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 494) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zippy Bell, Collins Bell, Annie B. Bell, Lula B. Bell, Betzie Bell and Wright Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *James H. Dixby*
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zippy Bell, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zippy Bell, Collins Bell, Annie B. Bell, Lula B. Bell, Bessie Bell and Wright Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

-2-

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Lacey
Acting Chairman.

COPY.

Muskegee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Zippy Bell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tamc Dickey.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 2323.

COPY.

Land 69070-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 12, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Zippy Bell, for herself and five children, Collins, Annie B., Lula B., Betsie and Wright Bell, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

It appears from the evidence in this case that the applicants make their claim to identification on their descent from Ishta Holmes, mother of the principal applicant, who is unable to give the names of her grand-parents or more remote ancestors.

The Commission bases its decision rejecting these parties on the ground that the name of Ishta Holmes is not found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that "Ish-ta" forms a part of a large number of the names of Choctaw Indians, but it is not a complete name. If it were English,

it would be called a prefix. By way of illustration, Ish-ta-be-hoka, Ish-tah-hopa, Ish-tah-honah, woman, and Ish-ta-cubbee, Ish-tah-lubbee, Ish-ta-ho-lubbee and Ish-ta-bola, men. There were a large number of persons who received land or scrip under the 14th article of the Choctaw treaty of 1830, both adults and children, a part of whose names was Ish-ta, but the proof in this case does not make it possible to identify the mother as one of those who received benefits under the 14th article, although the name does support the presumption that she was of the Choctaw tribe.

The name, Ishta Holmes, however, is not found in records of this office included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D. C. No. 5909-1903.
ITD. 1602-1903.
L. R. S.

COPY.

EAF.

DEPARTMENT OF THE INTERIOR.

Washington.

February 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Zippy Bell and her minor children, Collins, Annie B., Lula B., Betsie and Wright Bell, including your decision of October 30, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Ishta Holmes, alleged to have been a full blood Choctaw Indian.

The records do not show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Ishta Holmes complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat. 513).

Reporting February 12, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has reviewed the whole record and hereby
affirms your decision.

Respectfully,

Thos. Ryan,

Acting Chairman.

1 inclosure.

M.C.R. 2823

COPY.

Muskogee, Indian Territory, March 12, 1903.

Zippy Bell,

Mathiston, Mississippi.

Dear Madam:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the case of Zippy Bell, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

M.C.R. 2222

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McBarry & Garnish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sippy Bell, et al., of which decision you were advised by registered mail on the 20th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

#1046

No. 2523

For Identification as a Mississippi Choctaw.

JUL 1 1901

Date 1061 1 700

Name Zippy Bell

Age 40 Blood 1/2

Post Office, Mathiston, Miss.

Father: Andrew Holmes, ^{negro} L.

Mother: Oshta ^{full choctaw} d

Claims through mother
Husband
William Bell, ^{negro}

No claim for husband

Children: Collins (boy) 13
Annie B. 9
Lulu B. 7
Betsey 4
Wright (boy) 5

Claims for children & self,

Stenographer J. J. Niles.

Gippy Bell et al.
REFUSED

DECISION RENDERED. OCT 30 1902

NOTICE OF DECISION MAILED APPLICANT.

1000 OCT 30 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 30 1902

RECORD FORWARDED DEPARTMENT.

NOV 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 12 1903

Choctaw MCR 2824

Sallie Wheeler

MCR 2824

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Sallie Wheeler for the identification of herself and three minor children as Mississippi Choctaws.

Said Sallie Wheeler, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sallie Wheeler.
Q What is your age? A Twenty-three.
Q What is your postoffice address? A Soso, Jones County, Mississippi.
Q How long have you lived in Jones County? A Five years.
Q Where were you born? A Covington County.
Q Have you always lived in Mississippi? A Yes sir.
Q Did you go from Covington County to Jones County? A Yes sir.
Q These the only two counties you have lived in? A Yes sir.
Q What is your father's name? A Bill Martin.
Q Is Bill Martin living or dead? A Dead.
Q Is your mother living? A Yes sir.
Q What is her name? A Rhoda Martin. (Rhoda Martin)
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much do you claim? A Half.
Q What was your father's blood? A Choctaw.
Q All Choctaw? A Yes sir.
Q No negro? A No sir, full blood.
Q Was he a slave before the war? A No sir.
Q What was your mother's blood? A A colored woman.
Q Was she a slave before the war? A Yes sir, I think she was.
Q Was your father, through whom you claim your right to identification as a Mississippi Choctaw, ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A Dock Wheeler.
Q What is his blood? A I don't think he claims any.
Q What is his blood? A Negro.
Q You don't make any application for him then? A No sir.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir, three little children.
Q What is the name of the eldest? A Mollie.
Q How old is she? A Five.
Q What is the name of the next? A Devan.
Q Boy or girl? A Boy.
Q How old is he? A Three.
Q What is the name of the next? A George D.
Q How old is he? A One year old.
Q Is Dock Wheeler the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are these children living with you at your home? A Yes sir.
Q Were you and your husband married by a minister? A Yes sir.
Q And under a license? A Yes sir.

Sallie Wheeler et al---2

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself or children as members of that Tribe? A No sir.
- Q Did you or did anyone for you or for your children in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself and children for membership in the Choctaw Nation to any authority, either the Choctaw Tribal authorities or the United States authorities? A No sir.
- Q Is this the first application of any kind you ever made for yourself or children? A Yes sir.
- Q Is it now your purpose to be identified as Mississippi Choctaws? A Yes sir.
- Q Do you make this application, or claim to identification as beneficiaries under the 14th article of the treaty of 1830, for yourself and children? A Yes sir.
- Q Have you or your children ever received any benefits as Choctaw Indians? A Yes sir.
- Q Can you give the name or names of any of your ancestors, I mean kin folks, who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi and Alabama at that time? A My father's father, his name was Jack Martin.
- Q Was he a Choctaw? A Yes sir, my father's mother and father were both full bloods.
- Q Do you know your father's mother's name? A Yes sir, Pollie.
- Q Were they both full blood Choctaw Indians? A Yes sir.
- Q How do you know that? A I don't know, only what my father told me.
- Q Have you any documentary proof of that fact? A No sir, I could prove that my father was full blood.
- Q Have you got the proof right now with you? A No sir.
- Q Could you prove it if you had time? A Yes sir.
- Q You haven't got the evidence ready now? A No sir.
- Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians who went to the Territory between 1833 and 1838? A No sir, not as I know of.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A Not as I know of.
- Q Did any of your Indian ancestors, that is your father's Indian relatives, ever claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.
- Q Do you speak the Choctaw language? A No sir, but I knew the name of horse, cow and a few words like that.
- Q You could not carry on a conversation with a Choctaw Indian? A No sir.
- Q Are there any other statements you want to make in support of this application? A No sir, not as I know of.

Sallie Wheeler et al---3

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any other papers showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder?

A No sir.

Q Would you like time in which to introduce evidence in this case?

A. W. Trotter, attorney for applicant, requests additional time in which to file documentary evidence in support of this application.

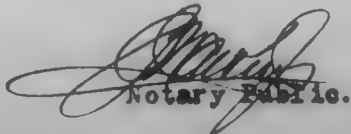
Permission is granted Mr. A. W. Trotter, attorney for applicant, to file documentary or other evidence in support of this claim, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance of one descended from negro ancestry with the exception that she is rather light colored in complexion and her hair instead of being nappy or crinkly is somewhat longer than the hair of one who is a full blood negro. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of July, 1901, at Meridian, Mississippi.


Notary Public.

M C R 2824

Muskogee, Indian Territory, April 5, 1904.

Sallie Wheeler,
Soso, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rhoda Martin, et al., including you and your children Mollie Wheeler, Devan Wheeler and George D. Wheeler.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 2824

Washoe, Indian Territory, June 30, 1904.

Sallie Wheeler,

Osage, Mississippi,

Dear Madam:

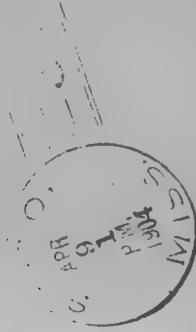
You are hereby notified that on the 18th day of June, 1904,
~~the Secretary of the Interior affirmed the decision of this Commission~~
refusing the applications for identification as Mississippi Cheetaws of
the several persons included in the consolidated case of Rhoda Martin
et al., of which decision you were advised by registered mail on the
5th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 20 1904

--- CHAIRMAN

Return to

*Writer and address
gone*



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MUSKOGEE, IND. TER.

APR 16 1904
REGISTERED

Sallie Wheeler,

~~Solo~~, Mississippi.

MAY 21 1904



#1047

No

For Identification as a Mississippi Choctaw.

Date

JUL 1 1901

Name *Sallie Wheeler*

Age 23

Blood $\frac{1}{2}$

Post Office, *Losco*, *Miss*

Father: *Bill Martin* d/ *Choctaw*

Mother: *Rhoda* (*negro*) *Slave* d/

Claims through *father*
husband

~~*Rock Wheeler*~~ - *negro*,

No claim for husband

Children: *Mollie* - 5

Wesley (boy) 3

George d/ 1

Claims for self
and children.

Stenographer *J. D. Miles*

REFUSED.

Dallie Wheeler et al

DECISION RENDERED MAR 1 1904

**NO COPY OF DECISION FORWARDED
APPLICANT APR 1 1904**

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.**

**NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT.**

RECORD FORWARDED DEPARTMENT.

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

JUN 30 1904

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

JUN 31 1904

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

JUN 30 1904

REFUSED.

REFER TO M.O. 2656.

Choctaw MCR 2825

William T. Wells

MCR 2825

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of William T. Wells for the identification of himself and six minor children as Mississippi Choctaws.

Said William T. Wells, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A William T. Wells.
Q What is your age? A Forty seven.
Q What is your postoffice address? A Quitman, Clark County, Mississippi.
Q How long have you lived there? A I have been there now about six years but I lived there formerly about ten years.
Q Where were you born? A Decatur, Mississippi.
Q Have you lived all your life in Mississippi? A Yes sir.
Q In what Counties? A Newton, Jasper, Clark and Lauderdale.
Q What is your father's name? A Hampton Wells.
Q Is he living or dead? A Dead.
Q What is your mother's name? A Susan.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A One-eighth, I guess; my mother was a quarter and my grandfather a half.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Bettie.
Q What is her blood? A She is Dutch and English.
Q White? A Yes sir.
Q You don't make any claim for her? A No sir.
Q Give me the names of your children, commencing with the oldest?
A Olive.
Q How old? A Eighteen.
Q Next? A Grace.
Q How old? A Fourteen.
Q Next? A Ilma.
Q Boy or girl? A Girl.
Q How old? A About twelve.
Q Next? A Aubrey.
Q Boy? A Yes sir.
Q How old? A Ten.
Q Next? A Varena.
Q Girl? A Yes sir.
Q How old is she? A Six.
Q Next? A William McK.
Q How old? A Three.
Q Is Bettie the mother of these children? A Yes sir.
Q Are you the father? A Yes sir.
Q When and where were you married to your wife Bettie? A In Clark County, near Shubuta.

William T. Wells et al---2

Q Married by a minister? A By the President of the Board of Supervisors.

Q Have you your marriage license and certificate with you? A No sir.

Q You don't care to file it then at the present hearing? A No sir.

Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled, for yourself or children, as members of that Tribe? A No sir.

Q Did you or did anyone for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship, or your children, in the Choctaw Nation, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have ever made for yourself and them? A Yes sir.

Q Do you now claim this right to identification as beneficiaries under the provisions of the 14th article of the treaty of 1830?

A Yes sir.

Q You now seek to be identified as Mississippi Choctaws? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830 and who were residents of the old Choctaw Nation of Indians in Mississippi or Alabama in 1830, at the time the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians? You claim through your mother, can you give me the name of any of her Indian kin folks? A Only her father.

Q What was his name? A Absalom Reid.

Q You claim him to be a half Choctaw Indian? A That is what I am told.

Q Have you any documentary proof of that fact, or other proof?

A Yes sir, we have witnesses that knew him.

Q Are you prepared to introduce this proof now? A No sir, not today.

Q You think that by extending time to you you can prove that fact? A Yes sir.

Q Do you know anything further about your mother's Indian ancestry?

A Only what they told me. She always told me he was a half Indian.

Q Did any of your ancestors or your mother's ancestors, if Choctaw Indians, go from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the Indian Territory when the other Indians went, between the years 1833 and 1838? A No sir.

Q Did any of your Choctaw ancestors, who didn't go to the Territory with the other Indians, go to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratifica-

William T. Wells et al---3

tion of the treaty of 1830 and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your Indian ancestors receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I think not.

Q Can you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce such evidence? A Yes sir.

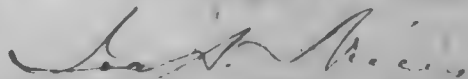
Messrs Hudson & Arnold, attorneys for applicant, request time in which to file documentary evidence in support of this claim.

Permission is granted Messrs. Hudson & Arnold, attorneys for applicant, to file written or other evidence in support of this application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has the appearance and physical characteristics of one descended from white parentage. He has a dark complexion, his hair has the appearance of having been black, now iron gray, and is coarse and straight. He has no knowledge of the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your six minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full true, and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 18th day of July, 1901,

William S. Wells et al---

at Meridian, Mississippi.

[Signature]
Notary Public.

COPY..

M.C.R. 2825

Muskogee, Indian Territory, October 27, 1902.

William T. Wells,

Quitman, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Rawls, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Rawls, et al.,	M.C.R. 2388
James W. Reed, et al.,	M.C.R. 1784
George Reid, et al.,	M.C.R. 2384
John S. Reid, et al.,	M.C.R. 2644
Decia McKee, et al.,	M.C.R. 3698
William T. Wells, et al.,	M.C.R. 2825
Marion Wells,	M.C.R. 2761
Fannie Stallings, et al.,	M.C.R. 2788
Anna Padgett, et al.,	M.C.R. 2783
Wilmer Nixon, et al.,	M.C.R. 2782

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

William T. Wells 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Rawls, Ottis Rawls, Herbert Rawls, Estelle Rawls, Don Rawls, James W. Reed, Eddie Reed, Charlie Reed, Pearl Reed, Lucy Reed, Jennie Reed, George Reed, Rubie Reed, George Reid, John Reid, Earl Reid, John S. Reid, Robert D. Reid, Aline Reid, Valera Reid, Emma B. Reid, Dovie McKee, Lillian McKee, Charlie McKee, Annie May McKee, Willie Fay McKee, Lewis McKee, Horace McKee, William T. Wells, Olive Wells, Grace Wells, Ilma Wells, Aubrey Wells, Varena Wells, William McK. Wells, Marion Wells, Fannie Stallings, Hal Stallings, Vera Stallings, Edna Stallings, Bryan Stallings, Anna Padgett, Porter Padgett, Wilmer Padgett, Benjamin Padgett, Wilmer Nixon, Alma Nixon, Austin Nixon, Cammie Nixon and Hill Nixon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

Commissioner in Charge.

M.C.R. 2325

COPY.

Muskogee, Indian Territory, February 28, 1903.

William T. Wells,

Quitman, Mississippi.

Dear Sir:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Rawls, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Tame Bixby.
Chairman.

MISSISSIPPI CHICKASAW

William F. Mills, et al

REFUSED

DECISION RENDERED. **OCT 27 1902**
NOTICE OF DECISION MAILED APPLICANT.

OCT 27 1902
NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 27 1902
NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

NOV 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 17 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

FEB 28 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 28 1903

REFER TO M. C. R. 2385

#1048

No

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name William T. Wells

Age 47 Blood 1/8

Post Office, Quitman, Miss

Father: Compton Wells, d

Mother: Susan " d

Claims through mother
wife.

Bettie - white

No claim for wife

Children:

Olive -	18
Esrae -	14
Idma (girl)	12
Aubrey (boy)	10
Vareha (girl)	6
William Mc K. -	3

Claims for self &
children

Stenographer J. A. Miles

Choctaw MCR 2826

John Lewis

MCR 2826

1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

/ The record herein is in the matter of
the application of John Lewis et al., for identification as
Mississippi Choctaws,
M.C.R. 2826

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Lewis, et al.,
for identification as Mississippi Choctaws, M.C.R. 2826.

I N D E X

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Decision of the Commission identifying John Lewis et al., as Mississippi Choctaws,	6

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, July 1, 1901.

In the matter of the application of John Lewis for the identification of himself and wife as Mississippi Choctaws.

John Lewis, having been first duly sworn, upon his oath states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John Lewis.
Q What is your age? A Twenty one years old.
Q What is your post office address? A Decatur, Mississippi.
Q What county? A Newton County.
Q How long have you lived in the State of Mississippi? A All my life.
Q Is your father living? A No.
✓ Q What was his name? A John Lewis.
Q Did he have a Choctaw name? A No.
Q Is your mother living? A No sir.
✓ Q What was her name? A Malissa. Lewis.
Q Did your father always live in the State of Mississippi? A Yes.
Q Did your mother always live in the State of Mississippi? A Yes.
✓ Q Through which one of your parents do you derive your Choctaw blood? A Both of them.
✓ Q What proportion of Choctaw blood do you claim to have? A Full blood Choctaw.
✓ Q Your father and mother then were both full blood Choctaws?
A yes sir.
Q Do you know the name of your father's father? A No sir.
Q Do you know the name of your father's mother? A No sir.
Q Do you know the name of your mother's father? A No sir.
Q Do you know the name of your mother's mother? A No.
Q You never say any of your grand parents? A No, I saw grand ma.
Q Your mother's mother? A Yes, father's mother.
✓ Q What was your father's mother's name? A Hannah. Old Hannah.
Q Is Old Hannah living? A Yes.
Q Where does she live? A Newton County.
Q How old is she? A I don't know how old - pretty old, about sixty or seventy I think.
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No.
Q Are you married? A Yes.
✓ Q What is your wife's name? A Fannie. Lewis.
Q Is she living? A Yes.
Q Are you living with her? A Yes.
Q Do you make application for her? A Yes.
Q Have you any children under age? A No.
Q How old is your wife? A Seventeen.
Q Has your wife always lived in the State of Mississippi? A Yes.
✓ Q Is her father living? A Yes.

John Lewis, et al., #2.

- ✓ Q What is his name? A John Williams.
Q Has he always lived in the State of Mississippi? A Yes.
Q Is your wife's mother living? A Yes.
✓ Q What is her name? A Jinnie Williams.
Q Has she always lived in the State of Mississippi? A Yes.
Q Do you know the name of your wife's father's father? A No.
Q Do you know the name of your wife's father's mother? A No.
Q Do you know the name of your wife's mother's mother? A No.
Q Do you know the name of your wife's mother's father? A No.
Q You don't know the names of any of your wife's grand parents?
A No.
✓ Q Through which one of her parents do you claim your wife derives her Choctaw blood? A Both parents.
✓ Q How much Choctaw blood do you claim your wife has? A Full blood.
✓ Q Both of her parents are full bloods? A Yes sir.
Q Does your wife speak the English language? A Yes.
Q Speaks Choctaw too, does she? A Yes.
Q Were either of your wife's parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No.
Q Have you any children? A No.
Q This application then is for yourself and wife alone? A Yes.
Q Is your name, or your wife's name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
Q Did you or your wife, or anyone for you, or either of you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

The records of the Commission show that the name of John Lewis, this applicant, appears in the case of Jack Amos et al., vs the Choctaw Nation. The records show that the original application in this case was filed with the Commission on the 10th day of September, 1896; on December 1st, 1896, the Commission denied the application and an appeal was taken to the United States Court for the Central Judicial District of the Indian Territory, at South McAlester, and that Court on August 25, 1897, affirmed the decision of the Commission, and an appeal was taken to the Supreme Court of the United States, where the judgment of the District Court was affirmed.

- Q Did you or your wife, on any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the tribe? A No.
Q Neither of you, then, have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No.
Q Have you or your wife ever made any application, either to the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A Yes.
Q When did you make an application before this? A Two years ago.
Q Where? A At Decatur.
Q You appeared before this Commission at Decatur about two years ago?

John Lewis, et al., #3.

Q Yes.

Q And your wife also made application at that time? A No.

Q Didn't her father make application for her at that time? A Yes.

The records of the Commission show that on February 8, 1899, application was made for the identification of this applicant, John Lewis, as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 463; also, upon page 99 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being number 1687 thereon.

The records of the Commission also show that on February 7, 1899, application was made to the Commission to the Five Civilized Tribes at Decatur, Mississippi, for the identification of Fannie Williams, the wife of this applicant, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw card, Field Number 430; also, upon page 93 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Number 1543, thereon.

Q This application that was made two years ago for you, and the one in 1896, and the application made two years ago for your wife, are the only application of any kind that was ever made for either of you, is it? A Yes.

Q Do you now desire to make application for the identification of yourself and wife as Mississippi Choctaws? A Yes.

Q Do you claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes.

Q Did you ever receive any benefits as Choctaw Indian? A No.

Q Did your wife ever receive any benefits as a Choctaw Indian?

A No.

Q Did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians? A No, I don't know.

Q Were any of your ancestors, or any of your wife's ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q You don't know whether any of your ancestors or your wife's ancestors were recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q You have no evidence that they were recognized members of the tribe at that time? A No.

Q Did any of your ancestors or your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and

John Lewis, et al., #4.

1838? A No, I ~~know~~ don't know.

Q Did any of your ancestors, or did any of your wife's ancestors, within six months after the ratification of the Treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No.

Q Are you sure that none of your ancestors ever got any land here in Mississippi from the Government of the United States? A I don't know.

Q Now, are you sure that none of your wife's ancestors ever got any land from the Government here in Mississippi? A No, I don't know.

Q Did you ever hear of any of your people or your wife's people ever ~~and~~ having a patent to land received from the Government? A No.

Q Did you ever see such a patent given to your ancestors or any of your wife's ancestors? A Never did.

Q Do you know whether any of your ancestors or any of your wife's ancestors ever got any scrip from the Government? A No, I don't know.

Q Did any of your ancestors ever remove ~~from~~ to the Indian Territory? A No.

Q Did any of your wife's ancestors ever remove to the Indian Territory? A No.

Q How old would your father be if he was living now? A About fifty I think.

Q How old would your mother be, if she was living now? A About forty, I think.

Q Do you know whether Old Hannah, your father's mother, was living here in the Choctaw Nation in 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did Old Hannah ever go to the Indian Territory? A No.

Q She has always lived in Mississippi? A Yes.

Q And is she a full blood Choctaw Indian? A Yes.

Q She was before the Commission about a week or two ago? A I reckon so. I aint living close to him.

Q Is she the mother of John Jasper? A Yes.

Q The same Old Hannah? A Yes.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors or your wife's ancestors were in 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No.

(This applicant has every appearance of being a full blood Indian; he speaks and understands the Choctaw language and some English, the examination having been conducted mainly through a sworn Choctaw interpreter.)

John Lewis, et al., #3.

The decision of the Commission as to the application you make at this time for the identification of yourself and wife ~~with~~ as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

[Signature]

Notary Public.

4

9

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

C.W.

In the matter of the application of John Lewis, et al.,
for identification as Mississippi Choctaws, M.C.R. 2826.

----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on July 1, 1901, by John Lewis for himself and his wife, Fannie Lewis; under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

C.W.

In the matter of the application of John Lewis, et al.,
for identification as Mississippi Choctaws, M.C.R. 2826.

----D E C I S I O N ----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on July 1, 1901, by John Lewis for himself and his wife, Fannie Lewis, under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

N.O.R. 2826.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying John Lewis and his wife, Fannie Lewis, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Lewis and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Fame Bixby.*

Chairman.

Registered,
Enc.: 2826.

M.C.N. 2826

COPY.

Muskogee, Indian Territory, May 4, 1903.

John Lewis,

Decatur, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your wife, Fannie Lewis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,
(SIGNED)

James Bixby.
Chairman.

Registered.

Enc. 2826.

M C R 2826

Maskogee, Indian Territory, May 9, 1903.

J. P. Walker, Jr.,

Meridian, Mississippi.

Dear Sir:

There is enclosed herewith affidavits to the birth of Ben Lewis. The affidavit of John Lewis was subscribed before you but your seal was not attached thereto. You will kindly attach your seal and return to this office as early as possible in the enclosed envelope.

Respectfully,

Chairman.

Rev. & Hon 62

M C R 2826

Muskogee, Indian Territory, November 27, 1903.

J. G. Campbell,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask to be advised the status of John Lewis, an applicant for identification as a Mississippi Choctaw. You state that he claimed he appeared before the Commission about two years ago, in Newton County, Mississippi.

In reply you are informed that on July 1, 1901, at Meridian, Mississippi, John Lewis, twenty-one years of age, post office address Decatur, Newton County, Mississippi, appeared before the Commission and made application for the identification of himself and wife, Fannie Lewis, as Mississippi Choctaws.

On April 17, 1903, the Commission rendered a decision identifying John Lewis and Fannie Lewis as Mississippi Choctaws, of which action John Lewis was duly notified at Decatur, Mississippi. The letter was returned to this office unclaimed, and is this day remailed him at Atoka, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 5 1904

[Handwritten signature]

4.
D. M. M. M. M.

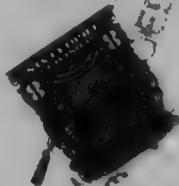
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



John Lewis

Alaska

JAN 5 1904

69521

2954

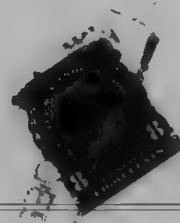
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



John Lewis

Atoka

8-7

JAN 5 1904

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

John Lewis, et al.,

IDENTIFIED

DECISION RECEIVED

APR

1963

COPY OF DECISION

ATTACHED TO

CHUCK

MAY 1963

COPY OF DECISION

RECEIVED

MAY

1963

#1049

No

For Identification as a Mississippi Choctaw.

Date

JUL 1 1901

Name

John Lewis

Age

21

Blood

Full.

Post Office,

Decatur, Miss.

Father:

John Lewis

d

Mother:

Malissa

"

d

Claims through

both parents

Wife

Fannie Lewis (full) 17

Father John William

Mother Jinnie

(Wife claims through both parents)

(Claims for self & wf)

Children:

(As to John Lewis see M.C.
card field No. 463.

As to Fannie Lewis, see
mc. card field No 430. where
her name appears as
Fannie William)

Stenographer

R. S. Strout

Choctaw MCR 2827

Mary Peyton

MCR 2827

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Payton, et
al., for identification as Mississippi Choctaws +--- H & E 2327.

List of papers forwarded to Secretary of the Interior
comprising record in above entitled case.

Original application of Mary Payton,
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1
Decision of the Commission refusing the
application of Mary Payton, et al., for
identification as Mississippi Choctaws..... 3

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Mary Peyton for the identification of herself and seven minor children as Mississippi Choctaws.

Said Mary Peyton, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Peyton.
Q What is your age? A Thirty-seven.
Q What is your postoffice address? A Meridian, Mississippi.
Q Where were you born? A In Kemper County.
Q How long have you lived in Mississippi? A All my days.
Q Where did you go to from Kemper? A To Lauderdale.
Q Have lived here ever since? A Yes sir.
Q What is your father's name? A Ben Lamply.
Q Is he living or dead? A Dead.
Q Is your mother dead? A Yes.
Q What was her name? A Charlotte Gully.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A I claim a quarter, she was half.
Q What was your father's blood? A White.
Q Was he all white? A I suppose so. I can't remember him; I was quite small when he died, at least when he went to Louisiana.
Q Was he a slave before the war? A No sir, he want no slave at all.
Q As far as you know, he was white? A Yes sir.
Q What was your mother's blood? A Indian all I know; her father was a black man.
Q She was half Indian and half negro, was she? A Yes sir.
Q Was she a slave before the war? A I don't know, sir.
Q You never heard? A No sir.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A Not as I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ned Peyton.
Q What is his blood? A African.
Q Was he a slave before the war? A I don't know sir.
Q Any of his people? A I don't know, sir.
Q You never heard, did you? A No sir.
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the eldest? A Mary Reed.
Q How old? A Twenty.
Q What is the name of the next? A Henry Reed.
Q How old is he? A Nineteen.
Q Next? A Callie Peyton.
Q What was the name of Mary's father? A George Reed.
Q Henry's father, his name was what? A Henry Neal.
Q What was George Reed's blood? Colored and Indian, so they said; not as I knew.

Mary Peyton et al---2

- Q Do you know how much Indian? A They called him half of a quarter, they said.
- Q Do you know anything about it? A No sir, only what is said.
- Q The father of Henry Reed was whom? A Henry Neal.
- Q What was his blood? A White.
- Q Is he living? A Yes sir.
- Q You were not married to Henry Neal then? A No sir.
- Q Is George Reed living? A No sir, been dead long time.
- Q Were you married to him? A Yes sir.
- Q Give me the name of the next child? A Callie Peyton.
- Q How old is she? A Eleven.
- Q What is the name of the next child? A Sylvester Peyton.
- Q Boy? A Yes sir.
- Q How old is Sylvester? A Nine years old.
- Q What is the name of the next? A Bennie Peyton.
- Q Boy? A Yes sir.
- Q How old? A Six.
- Q How many more children have you? A Two more.
- Q Next child? A General Grant Peyton.
- Q How old? A Three.
- Q Next? A Stephen Peyton.
- Q How old? A One.
- Q Is that all the children you have? A Yes sir, all I have living
- Q Who is the father of Sylvester, Bennie, General Grant, Stephen and Callie? A Ned Peyton.
- Q He is living now, is he? A Yes sir.
- Q Are all these children living with you at your home? A Yes sir they all living.
- Q Living with you? A No sir, not with me.
- Q They are not legally given to any person? A No sir.
- Q These children are all single, are they? A Yes sir.
- Q Were you married to your husband by an ordained minister?
- Q I don't know, sir, whether he was a minister or not.
- Q Did you go through the form of a legal ceremony? A Of course I did.
- Q Under a license? A Yes sir.
- Q Did you also legally marry George Reed? A Yes sir.
- Q The only illegitimate child you have then is Henry Reed, whose father was Henry Neal? A Yes sir.
- Q Why did you give him the name of Reed instead of Neal? A Because I was a Reed.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself or children as members of the Choctaw Tribe? A No sir.
- Q Did you or did anyone for you in 1896, or for your children at that time, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application you have ever made of any kind?
- A Yes sir.

Mary Peyton et al---3

Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you make this claim for yourself and children as beneficiaries under article 14 of the Treaty of 1830? A I don't know.

The 14th article of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you make claim under this article?

Here Mr. L. F. Hudson, attorney for applicant instructs said applicant to claim under article 14 of the treaty of 1830.

Q Do you claim under that article? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Have your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation and the United States Government? A I can give you my mother's name and my mother's mother and father's names.

Q What is your mother's father's name? A Walker Lenton.

Q Were they both Choctaw Indians? A I don't know sir. I have never seen my mother's mother.

Q What was the name of your mother's mother? A Charlotte Lenton.

Q Have you any documentary or other proof that your mother's ancestors were, either of them, Choctaw Indians? A If they will testify for me, there is.

Q Are you ready with that testimony now? A Of course if they knowed it, I am ready.

Q Will you have to have time to get them? A Yes sir.

Q Did your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present territory occupied by the Choctaw Nation in Indian Territory between the years 1835 and 1838, when the other Indians removed?

A I don't know, sir.

Mary Peyton et al---

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors, if Choctaw Indians, ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak Choctaw? A No sir.

Q Are there any additional statements you want to make in support of this claim? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce evidence in support of your application? A Yes sir.

L. P. Hudson, attorney for applicant, requests additional time in which to file documentary evidence in support of this claim.

Permission is granted Mr. L. P. Hudson, attorney for applicant, to file documentary or other evidence in support of this application provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant claims that her father was a white man and her mother half negro and half Choctaw Indian. Her hair, features and color would indicate that she might be possessed of the amount of Choctaw blood claimed by her. She does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provision of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira. S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Mary Peyton et al. —

Subscribed and sworn to before me this 18th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

CMW

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-

In the matter of the application of Mary Peyton, et al., for identification as Mississippi Choctaws, M - C - R - 2827.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Peyton for herself and her seven minor children, Mary Reed, Henry Reed, Callie Peyton, Sylvester Peyton, Bonnie Peyton, General Grant Peyton and Stephen Peyton, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charlotte Lenton, who is alleged to have been possessed of Choctaw Indian blood (degree thereof not given).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charlotte Lenton, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 213).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Peyton, Mary Reed, Henry Reed, Callie Peyton, Sylvester Peyton, Bennie Peyton, General Grant Peyton and Stephen Peyton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tamr Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

NOV 1 1907

M C R 2827

COPY.

Muskogee, Indian Territory, November 1, 1902.

Mary Peyton,

Meridian Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Peyton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Peyton, Mary Reed, Henry Reed, Callie Peyton, Sylvester Peyton, Bennie Peyton, General Grant Peyton and Stephen Peyton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

N P-2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Birby.

Acting Chairman.

Registered.

M C R 2827.

CONF.
Muskogee, Indian Territory, November 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Peyton, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Peyton, Mary Reed, Henry Reed, Callie Peyton, Sylvester Peyton, Bennie Peyton, General Grant Peyton and Stephen Peyton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be

H MAM & C-2.

forwarded for review to the Secretary of the Interior through the
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tattie Pinkie

Acting Chairman.

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Peyton, et al., applicants to the Commission for identification as Mississippi Choctaw, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2827

Land
69821-1902.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith a report made November 17, 1902 by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Mary Peyton for the identification of herself and her seven minor children, Mary and Henry Reed, Callie, Sylvester, Bennie, General Grant, and Stephen Payton as Mississippi Choctaws claiming rights under the fourteenth article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification. Descent is claimed from Charlotte Lenton, through her daughter Charlotte Gully, it being claimed that Charlotte Lenton was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of article 14 of the treaty.

The applicants are not full-blood Choctaw Indians. A careful search of the records of this office fails to show that Charlotte Lenton received a patent for land under the provisions of Article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that she applied to the Commission appointed under Acts of March 3, 1837 and August 23, 1842 for an adjudication of her rights, if she had any as a Choctaw Indian.

It is therefore respectfully recommended that the decision of

-2-

the Commission rejecting the application, be approved.

Very respectfully,

W.A. Jones,

Commissioner.

C.T.C.

L.

D.C. 479

COPY
Department of the Interior,
WASHINGTON.

EAF.

ITD. 7849-1902 .

January 2, 1903.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Peyton and her minor children, Mary Reed, Henry Reed, Callie Peyton, ~~Sylvester Peyton, Bonnie Peyton, General Grant Peyton and Stephen Peyton.~~

The applicants endeavor to trace their descent from one Charlotte Lenton, alleged to have been possessed of some Choctaw Indian blood.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Charlotte Lenton or a less remote ancestor complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

The Commissioner of Indian Affairs forwarded the papers December 17, 1902 and recommended approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the whole record, and, finding no reason to disturb your decision, hereby affirms the same.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

M. C. R. 2887

Muskogee, Indian Territory, January 12, 1903.

Mansfield, Mc Murray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd day of January, 1903, Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Peyton, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

(SIGNED)

Thomas B. Blount

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 2827

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, January 12, 1903.

Mary Peyton,
Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 2nd day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Peyton, et al., of which decision you were advised by registered mail on the 1st day of November 1902.

Respectfully,



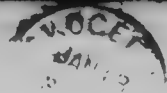
Acting Chairman.

2827

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WOB



Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

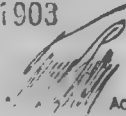
OFFICIAL BUSINESS.

Penalty for private use, \$300.

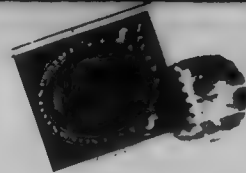
Mary Peyton,

~~Meridian, MS~~

DEPT. OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 2 1903


ACTING CHAIRMAN

NOV 17 1902



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed

Returned to writer

2513

3767

Mary Peyton,

Meridian, Mississippi.

#1151

No

For Identification as a Mississippi Choctaw.

Date

1901

Name *Mary Peyton*

Age *37*

Blood *1/4*

Post Office, *Meridian, Miss*

Father: *Ben Lamply* ^(ca)

Mother: *Charlotte Gully* ^{1/2 choctaw}

Claims through *Mother*

~~Husband~~

~~Red Peyton, negro.~~

~~father of Mary Reed was~~
~~George Reed a colored & Ind.~~
~~father of Henry Reed was~~
~~Henry Reed (d) white~~

Children: *Mary Reed* 20

Henry Reed 19

Callie Peyton, 11

Sylvester (boy) 9

Bennie " " 6

General Hunt " 3

Stephen " 1

Claims for self and children

Stenographer *J. J. Niles.*

Choctaw MCR 2828

Mary Pulliam

See MCR 2829, 2831, 2777

MCR 2828

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

-----@-----

In the matter of the application of Mary Pulliam, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of -

Mary Pulliam, et al.,	M. C. R.	2628
Belle Pulliam, et al.,	M. C. R.	2629
Eatie Hughes, et al.,	M. C. R.	2631
Minnie E. Gardner, et al.,	M. C. R.	2777

-----@-----

List of papers forwarded to the Secretary of the Interior,
embracing the record in the consolidated case of
Mary Pulliam, et al.

-----@-----

	Page.
Original application of Mary Pulliam, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Joint affidavit of W. F. Hickman and George Bean, marked exhibit "A",.....	6
Original application of Belle Pulliam, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	6
Joint affidavit of W. F. Hickman and George Bean,...	9
Original application of Eatie Hughes, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	10
Joint affidavit of W. F. Hickman and George Bean,...	14
Original application of Minnie E. Gardner, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	15
Joint affidavit of Clem Griffin and George Bean,....	16

2.

Copy of marriage license of Harry Gardner and Minnie Ella Pulliam,.....	page 19
Final decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws, in the consolidated case of Harry Pulliam, et al.,...	20.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Mary Pulliam for the identification of herself and one minor child as Mississippi Choctaws.

Said Mary Pulliam, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Pulliam.
Q What is your age? A Fifty.
Q What is your postoffice address? A Buena Vista, Mississippi.
Q How long have you lived in Buena Vista? A Been living there all my days.
Q Born there? A Yes sir.
Q Lived in the neighborhood of ~~Buena~~ Buena Vista? A Yes sir, eighteen miles from there.
Q What is your father's name? A Tom Burney.
Q Is he living or dead? A I don't know, sir; he left this country when I was a very small chap.
Q What is your mother's name? A Sarah Tucker.
Q She is living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A My father, my mother too.
Q How much Choctaw blood do you claim? A Well, I can't tell. Look like I ought to be pretty deep in.
Q How much do you think you have? A No sir, I ain't got any idea.
Q What was your father's blood? A I don't remember him.
Q You say he has Choctaw blood? A Yes sir.
Q How do you know? A My mother told me so.
Q How much did she tell you he had? A She never told me as I remember now.
Q What other blood did he have besides Choctaw? A None other.
Q Was he a full blood Choctaw? A Yes sir.
Q Was he a slave before the war? A No sir, I don't know.
Q What was your mother's blood? A Horn was some Indian too, her mother was.
Q How much? A I don't know.
Q What was the other blood beside Indian blood? A It want all Indian I knew.
Q What else was it? A It must have been some part negro, I reckon/
Q How much Choctaw blood do you think your mother had? A I don't know, sir.
Q How much negro blood do you think she had? A I think she had more Choctaw than she had negro.
Q About how much Choctaw do you claim? A Don't know.
Q Was your mother a slave before the war? A Yes sir.
Q And you were? A Yes sir.
Q What was your master's name? A Bob Pulliam.
Q Where did you live at that time? A About half a mile from Buena Vista.
Q Don't you think that your mother was a full blood negro woman?
A No sir, she wasn't.
Q You are sure about that? A No sir, she want a full blood negro.
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or

Mary Pulliam et al---2

or enrolled as members of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Jeff Pulliam; we all belonged to the Pulliams.

Q What is Jeff Pulliam's blood? A Full blood Choctaw.

Q How much Choctaw blood did he have? A Don't know.

Q Do you make any claim for him? A No sir.

Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir, one.

Q What is its name? A Sam Pulliam.

Q How old? A Fifteen.

Q Is this the only child you have under 21? A Yes sir.

Q Is Jeff Pulliam the father of Sam? A Yes sir.

Q Are you the mother? A Yes sir.

Q Are you and he living together as man and wife? A Yes sir.

Q Is this boy living with you? A Yes sir.

Q Were you married by an ordained minister? A I was married by preacher; that was before the war.

Q And you were not married as you would marry now? A No sir, but we have been together ever since.

Q Have always lived together? A Yes sir.

Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.

Q Have you ever made application to the Choctaw Tribal authorities for yourself or your son for citizenship in the Choctaw Nation? A No sir.

Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that you have ever made for yourself or your son for identification as Mississippi Choctaws? A Yes sir.

Q Do you claim your right to identification, and that of your son, as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were acknowledged members of the Choctaw Tribe of Indians at that time, 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.

Q Do you know the name of your grandfather, grandmother, great-grandfather or great-grandmother? A No sir, I don't know any.

Q Then you have no evidence of your Choctaw ancestry further back than your father and mother? A No sir.

Q Do you think you could get any documentary or other evidence to prove that point? A Don't know, sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Mary Pulliam et al---3

Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians when they were removed by the Government between the years 1833 and 1838? A No sir, none of mine didn't go, that I know of.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak Choctaw? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were ever recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A ~~Yes~~ Yes sir.

There is offered in evidence the joint affidavit of W. P. Hickman and George Bean, introduced by applicant, received marked Exhibit-A, filed and made a part of the records in this case.

Q Have you any other documentary evidence you want to introduce?

A No sir.

Q Would you ~~like~~ like a little time in which to present documentary or other evidence? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of her application, which she makes for herself and her child.

This applicant has the appearance and all of the physical characteristics of a full blood negro. She does not speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

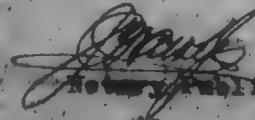
The decision of the Commission as to your application and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Mary Fulliam et al.

Subscribed and sworn to before me this the 20th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

E.K.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Pulliam, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

Mary Pulliam, et al.,	M.C.R. 2828
Belle Pulliam, et al.,	M.C.R. 2829
Katie Hughes, et al.,	M.C.R. 2831
Minnie E. Gardner, et al.,	M.C.R. 2777

- - - D E C I S I O N - - -

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Mary Pulliam for herself and her minor child, Sam Pulliam; by
Belle Pulliam for herself and her minor child, Eric Pulliam; by
Katie Hughes for herself and her six minor children, Mary, Charlie,
Rebecca, Katie, Sarah and Gertrude Hughes, and by Minnie E. Gardner
for herself and her minor child, Henry G. Gardner, under the fol-
lowing provision of the act of Congress approved June 28, 1898
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under Article Fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

-2-

It also appears that Mary Pulliam, the principal applicant herein, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Tom (or John) Burney, who is alleged to have been a full blood Choctaw Indian, and of Sarah Tucker (or Burney), who is alleged to have been an one-half blood Choctaw Indian; that the other applicants herein claim said rights by reason of being descendants of the aforesaid Tom (or John) Burney and Sarah Tucker (or Burney), and Jeff Pulliam, who is alleged to have been either an one-half or a three-fourths blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tom (or John) Burney or Sarah Tucker (or Burney) or Jeff Pulliam signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention

to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Erie Pulliam, Katie Hughes, Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2), Sarah Hughes, Gertrude Hughes, Minnie E. Gardner and Henry G. Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Jams Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 21 1905

M C R 2828

COPY.

Muskogee, Indian Territory, December 1, 1902.

Manafield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pulliam, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pulliam, et al.,	M C R 2828
Belle Pulliam, et al.,	M S R 2829
Katie Hughes, et al.,	M C R 2831
Minnie E. Gardner, et al.,	M C R 2777

These applications were made under the provision of the act of Congress of June 26, 1898 [30 Stats., 495].

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Eric Pulliam, Katie Hughes, Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2), Sarah Hughes, Gertrude Hughes, Minnie E. Gardner and Henry G. Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M, McM & C 2.

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tarns Bixby.
Acting Chairman.

File

M C R 2828

COPY.

Muskogee, Indian Territory, December 1, 1902.

Mary Pulliam,

Buena Vista, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pulliam, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pulliam, et al.,	M C R 2828
Belle Pulliam, et al.,	" 2829
Katie Hughes, et al.,	" 2831
Minnie E. Gardner, et al.,	" 2777

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Erie Pulliam, Katie Hughes,

MP 2

Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2), Sarah Hughes, Gertrude Hughes, Minnie E. Gardner and Henry G. Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamm Birby.
Acting Chairman.

Registered.

copy

Muskogee, Indian Territory, December 17, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Pulliam, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 1, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mary Pulliam, et al.,	M.C.R. 2828
Belle Pulliam, et al.,	M.C.R. 2829
Katie Hughes, et al.,	M.C.R. 2831
Minnie E. Gardner, et al.,	M.C.R. 2777

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There has been filed with the Commission the joint letter of Dr. J. L. Abbott and Mrs. H. V. Pulliam, addressed to Senator A. J. McLaurin, the certificates of Dr. J. L. Abbott and

OPY.

Hon. Secy. of the Int. —2

Mrs. Dr. M. S. William, and the joint certificates of S. T. King,
S. E. Thompson and E. D. Thompson relating to this case, which are
also transmitted herewith.

Respectfully,

SIGNED

Tame Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 8828

Land
75,264-1902.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Feb. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Mary Pulliam for herself and her minor child, Sam Pulliam; Belle Pulliam for herself and her minor child, Erie Pulliam; Katie Hughes for herself and her six minor children, Mary, Charlie, Rebecca, Katie, Sarah and Gertrude Hughes and Minnie E. Gardner for herself and her minor child, Henry G. Gardner, wherein a decision adverse to the applicants was rendered by the Commission on December 1, 1902.

The testimony in this case shows that the applicants are unable to give names of Choctaw ancestors of 1830, or state that these ancestors were recognized members of the Choctaw tribe in Mississippi or Alabama in 1830, or had an improvement, or complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. They go no farther back than the parents of the principal applicants whom it is not claimed were the ancestors who

were the heads of families in 1830.

Mary Pulliam claims her descent from Choctaw ancestors whose names she cannot give, through her parents Tom or John Burney, and Sarah Tucker, or Burney; and the other applicants claim descent from the original ancestors through ancestors given above and through Mary Pulliam and also other Choctaw ancestors whose names they are unable to give, through Jeff Pulliam, the grandfather on the paternal side.

The commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Tom or John Burney, Sarah Tucker, or Burney, and Jeff Pulliam, and it is discovered that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed)

A.C. Tenner,
Acting Commissioner.

(E.B.H.)

P.

D.C. 7647-1903.

ITD. 1706-1903.
LRS.

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON,

RAF

March 16, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 17, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Mary Pulliam and her minor child, Sam Pulliam; of Belle Pulliam and her minor child, Erie Pulliam; of Katie Hughes and her minor children, Mary, Charlie, Rebecca, Katie, Sarah and Gertrude Hughes; and of Minnie E. Gardner and her minor child, Henry G. Gardner. You refused the applications December 1, 1902.

The applicants claim to be descendants of one or all of the following named persons: Tom (or John) Burney, alleged to have been a full blood Choctaw Indian; Sarah Tucker (or Burney), alleged to have been a half blood Choctaw Indian; and Jeff Pulliam, who is said to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts

-2-

of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 13, 1903 (Land 75264-1902), the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

The Department finds no reason to modify your decision, and accordingly affirms the same.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

M.C.R. 2828

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mary Pulliam, et al., of which decision you were advised by mail on the 1st day of December, 1902.

Respectfully,

RECORDED

Tams Dixie.

Chairman.

M.C.R. 2828

Muskogee, Indian Territory, March 24, 1903.

Mary Pulliam,

Buena Vista, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mary Pulliam, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

REFER TO M. C. R. 2828

Mary William
Jabal

Consolidated Case

Tom Burney f.b.
wife
Sarah McKeechoe
neg. slave

Mar 2828
Mary Pulliam 50 7/12
mar neg. slave
Jeff Pulliam 3/4 or 1/2
white - slave

Mar 2829
* Belle Pulliam 27 7/8
* near married sister of
child - fair skin - brown white

Mar 2829
Eric Pulliam 10
Mar 2831
Mary Hughes 10
Charles Hughes 8
Rebecca Hughes 6
Katie Hughes 11
Sarah Hughes 2
Gertrude Hughes 4 m.

Mar 2831
Katie Pulliam 25-5/8
Jesse Hughes, neg.

Mar 2837
Minnie Pulliam 21 5/8
mar
Henry Gardner, neg

Mar 2837
Henry G. Gardner 20 m.

Mar 2828
Sam Pulliam 15

2/1/11

No

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name Mary Pulliam

Age 50 - Blood don't know.

Post Office, Buena Vista, Miss

Father: Tom Boney, - -

Mother: Sarah Tucker, ^{slav} l

Claims through father ^{and} mother
~~husband~~ &

Jeff Pulliam, (don't know)

No claim for husband

Children:

Sam -

15-

Claims for self
and son.

Stenographer

I. J. Niles

Choctaw MCR 2829

Belle Pulliam

MCR 2829

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Belle Pulliam for the identification of herself and one minor child as Mississippi Choctaws.

Said Belle Pulliam, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Belle Pulliam.
Q What is your age? A Twenty-seven.
Q What is your postoffice address? A Buena Vista, Mississippi.
Q How long have you lived there? A All my days, all my life.
Q Were you born there? A Yes sir.
Q What is your father's name? A Jeff Pulliam.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Pulliam.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Both.
Q How much do you claim? A Five-eighths.
Q How much Choctaw blood has your father? A His mother was a full blood Choctaw.
Q How much would he be? A His father was half.
Q How much has your father? A Three-fourths.
Q And how much do you claim for your mother? A She is more than half.
Q How much do you claim? A Five eighths.
Q What other blood has your father besides Choctaw blood? A White.
Q What was his business or occupation? A Shoemaker.
Q Was he a slave before the war? A Yes sir.
It was rather an unusual thing for a white man to be a slave, wasn't it? A I think he was stole.
Q You claim one-half Choctaw blood for your mother, what was the other blood? A Negro.
Q Was she a slave before the war? A Yes sir.
Q Were these parents, through whom you claim your right to be identified as a Mississippi Choctaw, ever recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities? A No sir.
Q Are you married? A No sir.
Q Have you been married? A No sir.
Q Have you any children that you want to make application for?
A Just one.
Q What is the name of that child? A Erie.
Q Boy or girl? A Girl.
Q How old is Erie? A Ten.
Q What is the name of the father of Erie? A Jim Thompson.
Q You are the mother of this child? A Yes sir.
Q You weren't married to Jim Thompson? A No sir.
Q What was Jim Thompson's blood? Was he a negro? A No sir.
Q What was he? A White man.
Q Then you don't claim Choctaw blood for Erie except through you?
A Yes sir, just through me.
Q Is your name or the name of your child on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself or child as members of that Tribe? A No sir.

Q Did you or did anyone for you or for your child; in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or child to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q Is this the first application you ever made of any kind for yourself and child? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes sir.

Q Do you make this claim as beneficiaries under article 14 of the treaty of 1830, for yourself and child? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830 and who were acknowledged members of the Choctaw Tribe of Indians at that time, when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians?

A No sir, I don't know. Tom Burney was my grandfather and Sarah Tucker was my grandmother. She was a slave and a negro woman. Tom Burney was a Choctaw.

Q How do you know Tom Burney was a Choctaw? A All the people said so.

Q Did you know him? A No sir.

Q You only know then what you have been told? A Yes sir.

Q Was he a slave? A I think not; I don't know, sir.

Q Have you any documentary or other evidence that your grandfather, Tom Burney, was a full blood Indian? A Yes sir.

Q What proof have you? A I have witnesses.

Q Are they here? A No sir, I have papers.

Q Do you think you can prove it by the papers which you have? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi or Alabama and go to the Indian Territory with the other Indians at the time when the Government removed them to Indian Territory between the years 1833 and 1838? A I think my grandfather, I don't know, sir.

Q Can you tell the names of any persons whom you heard say that your grandfather went to the Territory? A Captain Smith.

Q Who is Captain Smith? A One of the men who stays at the County Seat of Chickasa County.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Belle Pulliam et al---3

Q Do you speak the Choctaw language? A No sir.

Q Have no knowledge of it? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

There is offered in evidence the joint affidavit of ~~W.P. Hickman~~ W.P. Hickman and George Bean, introduced by applicant, received, filed, marked "Exhibit-A" and made a part of the records in this case.

Q Have you any other affidavits you want to give me? A No sir.

Q Would you like time in which to introduce other documentary evidence in support of this application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application, which she makes for herself and her child.

This applicant has the appearance and physical characteristics of a person descended from an ancestry of mixed blood composed of negro, white and Indian. The negro predominates in certain features, her hair looks a little like a negro. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 20th day of July, 1901, at Meridian, Mississippi.


Notary Public.

M C R 2829

COPY.

Waskoge, Indian Territory, December 1, 1902.

Belle Pulliam,

Buena Vista, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pulliam, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pulliam, et al.,	M C R 2828
Belle Pulliam, et al.,	" 2829
Katie Hughes, et al.,	" 2831
Minnie E. Gardner, et al.,	" 2777

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Eric Pulliam, Katie Hughes, Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2).

B P 2

Sarah Hughes, Gertrude Hughes, Minnie E. Gardner and Henry G. Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

John D. Dwyer
Acting Chairman.

Registered.

M. C. R. 2829

Muskogee, Indian Territory, December 16, 1902.

Belle Pulliam,

Buena Vista, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of the following documents to be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs, with the record in your case:

Certificate of J. L. Abbott,

Joint certificate of S. T. King, S. E. Thompson, and E. D. Thompson,

Joint letter of J. D. Smith, J. L. Abbott, and Mrs. H. B. Pulliam, dated December 10, 1902, to Hon. A. J. McLaurin, Senator,

Certificate of Mrs. Dr. M. E. Williams.

You are informed that the fifteen days from December 1, 1902, granted you within which to file arguments in support of your application, will expire on December 16, 1902. On December 17, 1902, the record therein, together with the documents above referred to, will be forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

M.C.R. 2829

COPY.

Muskogee, Indian Territory, March 24, 1903.

Melle Pulliam,

Buena Vista, Mississippi.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mary Pulliam, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

SIGNED:

Tams Bixby.

Chairman.

CHOCTAW. R. 253
REFUSED

Bill Pulliam et al.

DECISION RENDERED. **DEC 1 1902**

NOTICE OF DECISION MAILED APPLICANT.

DEC 1 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 16 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R. *2. 2. 2.*

#1052

No. 2-2-21)

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name Belle Pulliam

Age 27 — Blood $\frac{5}{8}$

Post Office, Buena Vista, Miss.

Father: Jeff Pulliam, l ^{3/4}

Mother: Mary ^{1/2 neg. 1/2 choct.}

Claims through both parents

Children:

Erie — (girl) 10

Illegitimate child

Jim Thompson, white
father of Erie

Claims for self &
child.

Stenographer

I. J. Niles

Choctaw MCR 2830

Emanuel Smith

MCR 2830

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emanuel Smith, et al.,
for identification as Mississippi Choctaws, M.C.R. 2830.

List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Emanuel Smith, et al.,

	(Page)
Original application of Emanuel Smith, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of York Rhodes.....	5
Affidavit of Fred Cooper.....	6
Decision of the Commission refusing the application of Emanuel Smith, et al., for identification as Mississippi Choctaws.....	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Emanuel Smith for the identification of himself and two minor children as Mississippi Choctaws.

Said Emanuel Smith, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emanuel Smith.
Q What is your age? A About fifty.
Q What is your postoffice address? A Vicksburg, Mississippi, No. 1204 South Washington Street.
Q Where were you born? A Out in Alabama.
Q What place in Alabama? A Betwixt Centerville and Marion.
Q How long have you lived in Alabama? A All my life until about ten years ago. I come from this side of Kohaba River.
Q How long have you been in Mississippi? A Been there seven years.
Q Did you come from Alabama to Mississippi? A Yes sir.
Q And have lived in Mississippi ever since? A Yes sir.
Q How long have you lived in Vicksburg? A About ~~seven~~ seven years; ever since I come from Alabama.
Q What is your father's name? A Pompey Smith.
Q Is he living or dead? A Dead.
Q What is your mother's name? A A Mary Smith.
Q Is she living or dead? A Dead; been dead about three years.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A About one-fourth, she is about one-half. Her father was an Indian.
Q What was your father's blood? A He was African.
Q Was he a slave before the war? A Yes sir.
Q What is your mother's mother's blood? You say she is one-half Choctaw. What was her other blood? A She was African.
Q Was she a slave before the war? A Yes sir.
Q Were you a slave before the war? A Yes sir.
Q What was the name of your father's and mother's master? A My father's master was named Bob McFadden and my mother's master was named Dr. Benson.
Q What was your master's name? A I belongs to the LeVery family.
Q Where did they live? A On the other side of Kohaba River in Alabama.
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Gracie Smith.
Q What is her blood? A She is African and she claims that she is part Indian too.
Q Do you make claim for her? A No sir, let her do that for herself if she ever do it.
Q You say she is African, do you? A Yes sir.

Emanuel Smith et al--2

- Q And part Indian? A Yes sir.
- Q You can't tell how much Indian she has? A No sir.
- Q Give me the names of your children under 21 years of age and unmarried that you want to make application for? A Jehn Smith.
- Q How old is he? A Nineteen.
- Q Next one? A Lindy Smith.
- Q Girl? A Yes sir.
- Q How old? A Eleven.
- Q Have you any other children? A Yes sir, but they are grown.
- Q Is Gracie Smith the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q When and where were you married to Gracie Smith? A In Alabama.
- Q What town and when? A I was married in Hale County, Alabama, near Greensborough.
- Q You received a license? A Yes sir.
- Q Married by a minister? A Yes sir.
- Q What day of the month? A I can't tell exactly the day of the month.
- Q Can you tell the year? A No sir.
- Q Have you your marriage license and certificate with you? A No sir.
- Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No sir, my grandpa come after me once to carry me over there, at least he come after my ma and she wouldn't go with him.
- Q Where did they want to go? A He was living in Mexico then.
- Q Did you or did anyone for you or for your children in 1896 make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No one as I knew of.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A Never have.
- Q Is this the first application of any kind you ever made? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim this right for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A My grandpa is dead, all my old people is dead.
- Q You ~~not~~ claim that your mother's ancestors had Indian blood; can you give your mother's father's name? A Spencer Bensed.
- Q Did he have any Choctaw blood? A Yes sir.
- Q Do you know how much? A No more than he was just an Indian.

Emanuel Smith et al---3

- Q Your mother's mother, what was her name? A Fannie Garce.
- Q Was she married to Spence Benson? X They lived together, did they? A Yes sir.
- Q Were your grandfather and grandmother slaves before the war? A I knew my grandmother was.
- Q Was your grandfather a slave? A I don't think he was.
- Q Was he an Indian? A Yes sir.
- Q And was his wife, Fannie Garce, a slave? A Yes sir.
- Q And a negro woman? A Yes sir.
- Q Do you know any other ancestors of your mother's who were Indians, going way back? A No sir.
- Q Have you any evidence of any kind with you, besides your own testimony, that your mother's father was a Choctaw Indian? A None but just a few words my sister wrote me a few days ago.
- Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw Tribe of Indians from 1833 to 1838? A No sir, not as I know of.
- Q ~~If your ancestors, any of them, did not remove with the other~~ members of the Tribe to Indian Territory, did they within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians here in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.
- Q Do you speak Choctaw? A No sir.
- Q Are there any additional statements you want to make in regard to your claim? A No sir.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.
- Q Would you like time in which to introduce documentary evidence in support of your claim? A Yes sir.

Thirty days time is allowed this applicant in which to file documentary or other evidence, together with his marriage license and certificate or certified copy of same in support of this application.


This applicant has the appearance of one descended from African ancestry. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your two minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your

testimony of this time.

Ira S. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 20th day of July, 1901,
at Meridian, Mississippi.


Notary Public.

off
C. V. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emanuel Smith, et al.,
for identification as Mississippi Choctaws, H.C.R. 2830.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Emanuel Smith for himself and his two minor children, John and Lincy Smith, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under Article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Spencer Benson, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Spencer Benson, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

1

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-2-

evidence herein is insufficient to determine the identity of Manuel Smith, John Smith and Lindy Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tame Bixby.

Acting Chairman.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 23 1902

COPY.

M.C.R.2830.

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emanuel Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emanuel Smith, John Smith and Lindy Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

M., M., & C., M.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Brewster
Commissioner in Charge.

COPY.

M.C.R.2630

Muskogee, Indian Territory, October 28, 1902.

Emanuel Smith,
1204 South Washington Street,
Vicksburg, Mississippi.

Dear Sir:-

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Emanuel Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emanuel Smith, John Smith and Lindy Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

Re. G. & L.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Emanuel Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Very truly,

James H. H. H.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M. C. R. 2830.

M.O.R. 2830.

Wakarusa, Indian Territory, December 4, 1902.

Emmanuel Smith,

1204 South Washington Street,

Vicksburg, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th ultimo, in which you state that you will send evidence in your case in a few days.

In reply, you are informed that the fifteen days from October 28, 1902, granted you within which to file arguments to be forwarded with the record in your case to the Secretary of the Interior, through the Commissioner of Indian Affairs, expired on November 12, 1902.

On November 13, 1902, the record therein was forwarded to the Secretary of the Interior. Pending his action, the Commission cannot receive or consider further evidence in support of your claim.

Respectfully,

Acting Chairman.

-:- COPY -:-

Land.
60327-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration, application of Emanuel Smith and his two minor children John and Lindy Smith, for identification as Mississippi Choctaw Indians, wherein a decision adverse to them was rendered by the Commission to the Five Civilized Tribes on October 28, 1902.

The testimony in this case shows that the applicants base their claims to identification on their descent from Spencer Benson, whom it is alleged was a member of the Choctaw tribe of Indians in Mississippi in 1830, through his daughter Mary Smith.

The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under, by the applicants complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. An examination of the records of this office discloses the fact that the names of Spencer Benson, Mary Benson or Mary Smith do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under

- 2 -

acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is evident that the decision of the Commission was correct, and I therefore recommend that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

W. A. Jones,
Commissioner.

C. T. C.

L.

D.C. 3960

ITD.354-1903.

L.R.S.

-:- COPY -:-

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

J.W.H.

EAF.

February 5, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Emanuel Smith and his minor children, John And Lindy Smith.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Spencer Benson, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Spencer Benson or a less remote ancestor complied or attempted to comply with said article 14, or with either of the acts of March 3, 1857 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 28, 1902.

Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully reviewed the whole record, and, finding no reason to disturb your decision, hereby affirms the same.

Respectfully,

1 inclosure.

Thos. Ryan,

Acting Secretary.

COPY.

M.C.R. 2830

Muskogee, Indian Territory, February 21, 1903.

Emanuel Smith,

1204 South Washington St.,

Vicksburg, Mississippi.

Dear Sir:-

You are hereby notified that on the 5th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Emanuel Smith, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tame Bixby.

Chairman

M.C.R. 2830

' COPY.'

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 5th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Emanuel Smith, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

Tame Dixby.
Chairman

#1053

No

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name Emanuel Smith

Age. 50 , Blood $\frac{1}{4}$

Post Office, Vicksburg, Miss
So. Washington 1204

Father: Pompey Smith, n. d

Mother: Mary $\frac{1}{2}$ choi. $\frac{1}{2}$ neg. d

Claims through mother
~~both parents were slaves before~~
~~old war.~~
~~Wife - Gracie Smith, negro.~~

No claim for wife.

Children:

John — 19
Lindy (girl) 11

Claims for self
and children.

Stenographer

J. T. Miles

Emanuel Smith, et al

REFUSED

DECISION RENDERED. OCT 28 1902

NOTICE OF DECISION MAILED APPLICANT.

R 263-

OCT 28 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 28 1902

RECORD FORWARDED DEPARTMENT.

NOV 13 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 5 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB 21 1903

Choctaw MCR 2831

Katie Hughes

MCR 2831

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Katie Hughes for the identification of herself and six minor children as Mississippi Choctaws.

Said Katie Hughes, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Katie Hughes.
Q What is your age? A Twenty-five.
Q What is your postoffice address? A Buena Vista, Mississippi.
Q How long have you lived at Buena Vista? A All my life.
Q Were you born there? A Yes sir.
Q What is your father's name? A Jeff Pulliam.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Pulliam.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Through both.
Q How much Choctaw blood do you claim? A Five-eighths.
Q How much Choctaw blood do you claim your father had? A I don't know, sir.
Q What was his other blood beside Choctaw? A I don't know, sir.
Q How much Choctaw blood did your mother, Mary Pulliam, have?
A Her father was a full blood Choctaw Indian.
Q Did her mother have any Choctaw blood? A I don't know.
Q How much then did Mary Pulliam have? A Well, sir, her father was a full blood Choctaw.
Q And she would be a half? A Yes sir.
Q You claim half of that from her? A Yes sir.
Q You think you have five eighths? A Yes sir.
Q You can't tell how much Jeff Pulliam had? A No sir, he said his mother was a ~~half~~ half Choctaw.
Q And how much did his father have? A His father was half.
Q You say you don't know how much Jeff Pulliam had? A No sir, not on his father's side.
Q When you say you have five-eighths Indian blood, you only think you have five-eighths Indian blood? A Yes sir.
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the United States authorities or the Choctaw Tribal authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jesse Hughes.
Q What is his blood? A Well, sir, I don't know.
Q Was he a negro? A Yes sir, as far as I know.
Q Was your father, Jeff Pulliam, ~~xx~~ a slave before the war? A Yes sir.
Q Was Mary Pulliam a slave before the war? A Yes sir.
Q Do you make any claim for your husband, Jesse? A No sir, just for myself and children.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir.

Katie Hughes et al---2

- Q Give me the name of the eldest? A Mary.
Q How old is she? A Ten.
Q Next? A Charlie.
Q How old is he? A Eight.
Q What is the name of the next? A Rebecca.
Q How old? A Six.
Q The next? A Katie.
Q How old is she? A Four.
Q Next? A Sarah.
Q How old is she? A Two.
Q Next? A Gertrude.
Q How old? A Four months old.
Q Is Jesse Hughes the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are these children living with you at your home? A Yes sir.
Q The basis of their claim is the same as yours? A Yes sir.
Q Were you married to your husband under a license? A Yes sir.
Q By an ordained minister? A No sir, by a justice of the peace.
Q Is your name or the name of any one of your children on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw Tribal authorities for the enrollment of yourself or children as members of the Choctaw Tribe of Indians? A No sir.
Q Did you or anyone for you in 1896, or for your children at that time, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation or your children, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for the enrollment of yourself and children as members of the Choctaw Tribe of Indians either to the Commission to the Five Civilized Tribes or to the Choctaw Tribal authorities? A No sir.
Q Is this the first application of any kind you have ever made? A Yes sir.
Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
Q Do you make this claim for yourself and them as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
Q You don't understand that law, do you? A No sir.

The 14th article of the treaty of Dancing Rabbit Creek reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement

Katie Hughes et al---3

of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Can you give me the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were recognized members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Tribe of Indians and the United States? A No sir.

Q Can you give me the names of any of your kin folks, your grandfather, grandmother? A Yes sir, my grandfather's name was Tom Burney.

Q Was he a Choctaw? A Yes sir.

Q Full blood? A Yes sir.

Q Was his wife a Choctaw? A No sir.

Q She was a negro? A Yes sir.

Q Slave? A Yes sir.

Q What proof have you that Tom Burney was a Choctaw Indian? A My mother said he was a full blood. That is what my grandmother said.

Q Was he a recognized member of the Choctaw Tribe of Indians in 1830? A I don't know.

Q Have you any documentary or other proof that Tom Burney, your grandfather, was an Indian? A Yes sir, I have some papers.

Q Q Did your ancestors, if Choctaw Indians, go from Mississippi and Alabama to the Indian Territory with the other Indians when they went there between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi, Col. Ward, that they intended to stay in Mississippi and become citizens of the United States?

A I don't know.

Q Did any of your ancestors, if Choctaw Indians, ever receive or claim any land from the United States Government as beneficiaries under article 14 of the treaty of 1830? A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q You don't understand Choctaw at all, do you? A No sir.

Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

There is offered in evidence the joint affidavit of W.P. Hickman and George Bean, presented by applicant, received, filed, marked "Exhibit-A", and made a part of the records in this case.

Q Would you like time in which to introduce other documentary evidence in support of your application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in

Katie Hughes et al---4

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support of her application which she makes for herself and her six minor children.

The applicant in this case has the appearance and characteristics of a person descended from ancestry composed of negro and Indian blood, in which the negro predominates. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your six minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira B. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 20th day of July, 1901, at Meridian, Mississippi.


Notary Public.

COPY.

M C R 2831

Muskogee, Indian Territory, December 1, 1902.

Katie Hughes,

Buena Vista, Mississippi.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pulliam, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pulliam, et al.,	M C R 2828
Belle Pulliam, et al.,	" 2829
Katie Hughes, et al.,	" 2831
Minnie E. Gardner, et al.,	" 2777

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Pulliam, Sam Pulliam, Belle Pulliam, Eric Pulliam, Katie Hughes, Mary Hughes, Charlie Hughes, Rebecca Hughes, Katie Hughes (2),

K H 2

Sarah Hughes, Gertrude Hughes, Minnie E. Gardner and Henry G. Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tammie Pirby.

Acting Chairman.

Registered:

M.C.R. 2831

COPY.

Muskogee, Indian Territory, March 24, 1903.

Katie Hughes,

Buena Vista, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mary Pulliam, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

W. C. R.

James Dixie.

Chairman.

FOR IDB

A MISSISSIPPI CHOCTAW

REFUSED

Katie Hughes et al.

DECISION RENDERED: DEC 1 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 1 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 16 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R.

#1054

No

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name Katie Hughes

Age 25 - Blood $\frac{5}{8}$

Post Office, Buena Vista, Miss.

Father: Jeff Pulliam, C.

Mother: Mary Pulliam, I

Claims through both parents.

~~Husband~~ Jesse Hughes / ~~Wife~~

No claim for husband

Children:

Mary — 10.

Charlie — 8

Rebecca — 6

Katie — 4

Sarah — 2

Gertrude — 4 m.

Claims for self & children.

Stenographer D. J. Niles

Choctaw MCR 2832

Teach Jacob

MCR 2832

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

The within record is in the matter of
the application of Tishomingo Willis for identification as a

Mississippi Choctaw,

M.C.R. 2832

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Tishomingo Willis
for identification as a Mississippi Choctaw, M.C.R. 2832.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tishomingo Willis
for identification as a Mississippi Choctaw, M.C.R. 2832.

List of papers forwarded to the Department in
the above case

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 1st, 1901.

In the matter of the application of Tishomingo Willis
for identification as a Mississippi Choctaw.

Said Tishomingo Willis, being first duly sworn through
Isham Johnston, sworn Choctaw Interpreter, testified as follows:-

Examination by the Commission.

- Q What is your name? A Tishomingo Willis.
Q What is your age? A About fifty-four.
Q What is your postoffice address? A Ennis, Mississippi, Kemper
County.
Q How long have you lived in Ennis? A Seven years.
Q Where were you born? A Neshoba County.
Q Lived always in Neshoba and Kemper Counties? A Yes.
Q What is your father's name? A Willie Willis.
Q Is he living? A Dead.
Q What is the name of his mother? A Nannie.
Q Is she living? A Dead.
Q Is Willie Willis a full blood Choctaw Indian? A Yes.
Q Was Nannie a full blood Choctaw Indian? A Yes.
Q Are you a full blood Choctaw Indian? A Yes.
Q Do you know what your father's Indian name was? A No.
Q Do you know what your mother's Indian name was? A No.
Q Have your parents, through whom you claim your right to identi-
fication as a Mississippi Choctaw, ever been recognized in any manner,
or enrolled as members of the Choctaw Tribe of Indians by the Choctaw
Tribal authorities or the United States authorities in Indian
Territory? A Don't know.
Q Are you married? A No.
Q Claim for yourself alone, do you? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory? A No.
Q Have you ever made application to the Choctaw Tribal authorities
in Indian Territory to be enrolled as a member of that Tribe?
A No.
Q Did you or did anyone for you in 1896, under the Act of Congress
of June 10, 1896, make application for citizenship in the Choctaw
Nation to the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by either the Choctaw Tribal authorities, the Commission to the
Five Civilized Tribes or by the United States Court in Indian Ter-
ritory? A No.
Q Have you ever made application before this time to either the
Choctaw Tribal authorities or the United States authorities for
citizenship or membership in the Choctaw Nation? A No.
Q Is it now your purpose to be identified as a Mississippi Choctaw?
A Yes.
Q Do you claim that right as a beneficiary under article 14 of the
treaty of 1830? A Yes.
Q Have you or your ancestors, your kin folks, received any bene-
fits from the Government? A No.
Q Can you give the names of any of your ancestors who were recog-
nized members of the Choctaw Tribe of Indians in 1830 and who lived
in the old Choctaw Nation in Mississippi or Alabama at the time when
the Treaty of Dancing Rabbit Creek was ratified between the United

Tishomingo Willis--2

States Government and the Choctaw Indians? A My grandfather's name was Johnnie Willis.

Q What was his Indian name? A That is all I know.

Q Can you think of any other ancestor, your grandmother? A Jinnie Willis.

Q Were they full blood Choctaw Indians? A Yes.

Q Did they ever get any land from the Government? A No.

Q Did they go to the Territory with the other Indians when they went between the years 1833 and 1838? A No.

Q Did they go to the United States Indian Agent Col. Ward within six months after the ratification of the treaty of 1830 and tell Col. Ward that they wanted to stay in Mississippi, that they didn't want to go to the Territory and wanted to become citizens of the States? X Did they do that, or did your father or mother? A No.

Q Do you know whether your grandfather and grandmother or father and mother were recognized members of the Choctaw Tribe of Indians in 1830? A Don't know.

Q Did any of your ancestors, grandfather, grandmother, father or mother, any of your ancestors, ever receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830?

A No.

English

Q Do you speak the ~~Choctaw~~ language? A Not much.

Q Do you talk the Choctaw language all the time? A Yes.

Q Is there anything further you want to say now in support of this claim? A No.

Q Do you want any time in which to introduce testimony or affidavits to show that your ancestors complied with article 14 of the treaty of 1830 and also to show that they were full blood Choctaw Indians? A Yes.

Thirty days time from the date hereof is allowed this applicant in which to file documentary and other evidence to prove that his ancestors complied with article 14 of the treaty of 1830, also that he is lineally descended from full blood Choctaw ancestry who did comply with said article of said treaty.

This applicant appears to be in appearance, manner and every characteristic a full blood Choctaw Indian. He has very slight knowledge of the English language, not enough to give his testimony in that language and for that reason his examination was conducted throughout by means of a sworn Choctaw interpreter. He has no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

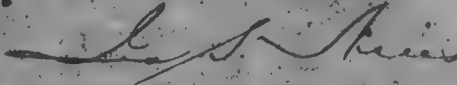
The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

2

Ira S. Niles, being first duly sworn, states that as stenographer

Fishamingo Mills--3

After to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 22nd, day of July, 1901, at Meridian, Mississippi.


Notary Public.

5184

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, April 3d, 1902.

In the matter of the application of Tishman for identification as a Mississippi Choctaw, represented by Teach Jacob.

Said Teach Jacob, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Teach Jacob.
Q How old are you? A Fifty-five.
Q What's your postoffice address? A Coffadelliah.
Q Are you a full blood Choctaw Indian? A yes.
Q How long have you lived in Mississippi? A All my life.
Q Are you acquainted with a man by the name of Tishman? A Yes.
Q How long have you known Tishman? A About ten years.
Q How far does he live from you? A About a quarter of a mile from me.
Q Does he live in Kemper County? A yes.
Q What's his postoffice address? A Coffadelliah, I reckon.
Q Has he lived in Mississippi all his life? A yes.
Q Is he a full blood Choctaw? A Yes.
Q About how old is he? A About forty-four or forty-five.
Q Is his father living? A No.
Q What was his name? A Tah-nah-pah-yah.
Q Is his mother living? A I don't know--I think she's dead though.
Q What was her name? A I don't know.
Q Do you know the name of either of the parents of Tah-nah-pah-yah? A I don't know.
Q So far as you know, have all of the ancestors of this man Tishman been full blood Choctaws? A yes.
Q And always lived in Mississippi? A yes.
Q Is Tishman married? A No.
Q Has he ever been married? A No, I don't think he has.
Q Is anyone living with him? A He lives with Jimman Bell and Ailsey Amos.
Q Do you know whether any application of any kind has ever been made in his behalf before the Commission for the purpose of establishing his rights as a Choctaw Indian? A I don't know.
Q You never heard of any application ever having been made for him? A No.
Q You have heretofore appeared before the Commission and made application in your own behalf, have you not? A yes.
Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
Q Do you know whether any of the ancestors of Tishman ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know.
Q Do you know whether any of them lived here when this treaty was made, 71 years ago? A I don't know.
Q Do you know whether any of them moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know.

Tishman--2

Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Do you know whether any of them ever got any land from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them appear before any of the Commissioners appointed under the acts of Congress of March 3, 1837, February 22, 1838, or August 23, 1842, and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A I don't know.

Q Do you know of any old person living who would likely know whether any of the ancestors of Tishman ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know of anyone.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A I don't know.

Q Has Tishman any brothers living? A I think he has one brother living.

Q What's his name? A Robison Willis.

Q Has he any brothers dead who left children? A No.

Q Has he any sisters? A Yes, one sister living.

Q What's her name? A I don't know but she's the wife of Langley Joe.

Q Has he any sisters dead who left children? A No, I think not.

Q Are any of his father's brothers or sisters or any of their children living? A Ailsey Amos is a daughter of Tishman's sister.

Q What was Tishman's sister's name--Ailsey's mother? A I don't know--Elan Bell lived with her a while and she died. Johnson Bell is also one of her children by Elan Bell.

Q Are any of the brothers or sisters of Tishman's mother living? A I don't know about that.

There can be no doubt from the testimony of Teach Jacob who bears the reputation of being a reliable and trustworthy Choctaw, that Tishman is a full blood Choctaw living in Kemper County, Mississippi. He lives within three miles of the camp of the Commission and has no doubt known for at least three weeks of our presence at this place. The Commission has just learned of him today through the affiant, Teach Jacob.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, April 3d, 1902, and that the above and foregoing is a full,

Fishman--3

true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 10th day of April, 1902,
at Toles, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court Southern
District of Mississippi.

By *M. M. M.*

Deputy.

2832.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. March 16, 1903.

Additional testimony in the matter of the application of
Tishomingo Willis for the identification of himself as a Mississippi
Choctaw.

Tishomingo Willis, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q. What is your name? A Tishomingo Willis.
Q. How old are you? A Sixty.
Q. What is your post office address? A Kiowa, Indian Territory.
Q. How long have you lived at Kiowa? A About a month.
Q. You came from Mississippi to Kiowa? A Yes, sir.
Q. What was your post office address when you lived in Mississippi?
A Ennis.
Q. What was your father's name? A Tah-nah-pah-yah.
Q. Is he living? A No, he is dead.
Q. Was he a full blood Choctaw? A Yes, sir.
Q. What was his English name? A His name was Willis.
Q. Do you know a Choctaw Indian in Mississippi by the name of Teach
Jacob? A No, sir.
Q. What was your mother's name? A Nannie.
Q. Is she living? A No.
Q. Was she a full blood Choctaw Indian? A Yes, sir.
Q. Are you married? A No.
Q. With whom were you living last spring a year ago? A I have been
living with Squire Brown for two years.
Q. Did you ever live with Jimman Bell or Alsey Amos? A I come
from there this last time; them is my kin people.
Q. You say you lived with them part of the time? A I stayed with
them part of the time and with Brown part of the time.
Q. What relation was Alsey Amos to you? A My sister's child.
Q. Have you any sisters living? A One.
Q. What is her name? A Emily.
Q. What is her husband's name? A Langley Joe.

This applicant is the identical Tishomingo Willis who ap-
peared before the Commission at Meridian, Mississippi, on July
1, 1901, and made application for identification as a Missis-
sippi Choctaw, M.C.R. 2832. It further appears from the rec-
ords of the Commission that on April 3, 1902, at Seale, Mis-
sissippi, Teach Jacob appeared before the Commission and made
application for this applicant under the name of Tishman. It
appears from the testimony at this time that Tishomingo Willis,
M. C. R. 2832 and Tishman, M.C.R. 5184, are one and the same
person.

R. B. Eisenberg, being first duly sworn, states on his oath
that as stenographer to the Commission to the Five Civilized Tribes
he reported in full the proceedings had in the above entitled cause
on the 16th day of March, 1903, and that the above and foregoing is

Tishomingo Willis, -----2.

a full, true, and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29th day of April, 1903.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Civil
In the matter of the application of Tishomingo Willis,
for identification as a Mississippi Choctaw, M.C.R. 2832.

-----D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on July 1, 1901, by Tishomingo Willis for himself, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

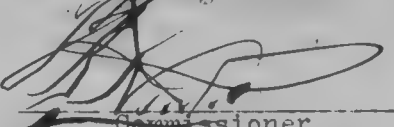
(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tishomingo Willis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman


Commissioner


Commissioner

Muskogee, Indian Territory

JUL 8 1903

~~RECEIVED~~

M.C.R. 2832

COPY.

Muskogee, Indian Territory, July 3, 1903.

Tishomingo Willis,

Ennis, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 6, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 8, 1904, you will have six months from that date, or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. 2832.

M.C.R. 2832

COPY.

Muskogee, Indian Territory, July 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 8, 1903, identifying Tishomingo Willis as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Tishomingo Willis as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaw Indians now being prepared by this Commission.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. 2832.

M.C.R.
H196-2394-2232
7007-7224

Muskogee, Indian Territory, July 13, 1903.

W. B. Burney,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of July 11, 1903, by reference from Chilion Riley, in which you ask if the following names persons have been identified as Mississippi Choctaws and will be allowed to hold land:

Charley Farve
Selina Farve
Turner Farve
Joseph Yabby
Thomas Yabby
Christy Yabby
Mary Yabby
Baptist Taylor
Lawrence Taylor

Elizabeth Taylor
Lem Taylor
Stanley Taylor
Mary Taylor
Willis Tishomingo
Madeline Tishomingo
Nettie Taylor
Mary Taylor
Lena Taylor.

Replying to your communication you are advised that it appears from our records that on March 23, 1903, Selina Farve appeared before the Commission and made application for the identification of herself, her husband, Charley Farve, her minor child, Turner Farve, and her minor brothers and sister, Joseph, Thomas, Christie and Mary Yearby; that on March 16, 1903, Madeline Taylor, 45 years of age, made application to this Commission for the identification of herself and two minor children, Nettie and Mary Taylor, as Mississippi Choctaws. There is no person by the name of Madeline Tishomingo an applicant to this Commission for identification as a Mis-

V.B.B.---2

Mississippi Choctaw, but it is thought possible that the Madeline Taylor above mentioned is identical with the Madline Tishomingo mentioned in your letter. Up to the present time no decision has been reached by the Commission in the matter of the applications of Salina Parve, et al., and Madeline Taylor, et al., but the Commission is now considering their applications and when a decision is rendered in these cases they will be duly notified of the same.

You are further advised that it appears from our records that Tishomingo Willis, 54 years of age, Baptiste Taylor, his wife, Elisabeth Taylor, and three minor children, Lem, Stanley and Louise Taylor, and Lawrence Taylor, 21 years of age, have been duly identified by the Commission as Mississippi Choctaws entitled to rights in the Choctaw lands in the Indian Territory.

You are further advised that it does not appear from our records that any person by the name of Lony Taylor is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2832

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, an application numbered M.C.R. 2832, being that of Tishomingo Willis, wherein he makes application for the identification of himself as a Mississippi Choctaw. A decision was prepared in this case, identifying the said applicant as a full blood Mississippi Choctaw and transmitted to the Commissioners for their signatures and returned by them with the notation "Who was Tishomingo's mother? Was she a full blood?" Since said return some member of the Mississippi Choctaw department, other than the Legal Department, has attached to the record in this case a note explanatory of certain testimony appearing in the application regarding the parentage of the applicant, which explanation is logical but not conclusive, and it is therefore suggested that the applicant be notified that it will be necessary for him to supply additional testimony in regard to the name and blood of his mother before he can be identified.

The record is therefore returned to the files for such action as may be deemed necessary.

Respectfully,

Chas von Wiesing

#1055

No

For Identification as a Mississippi Choctaw.

Date JUL 1 1901

Name TISHOMINGO Willis,

Age 54- Blood full

Post Office, Ennis, Miss,

Father: Willie Willis, (d.)

Mother: Nannie " (d.)

Claims through both parents

~~Children:~~

Claims for self
alone,

Stenographer

D. S. Niles.

1902

No. 5181

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

Name

Tishman

Age

44

Blood

full

Post Office,

Coffadeliak, Miss.

Father:

Tah-nah-pah-yahd

Mother:

-don't know- d

Claims through

Children:

Stenographer

J. S. Niles.

RECEIVED
FBI PRISON

Tishomingo Willis

IDENTIFIED

RECEIVED

10/14/03

AT...
CHICKEN...

10/14/03

COPIES...

10/14/03

6 x 2 1/2

10/14/03. P.O. ...

Choctaw MCR 2833

Green Jones

See MCR 4592, 4594

MCR 2833

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Green Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of

Green Jones, et al.....N.C.R. 2833
Elmira Reeves, et al.....N.C.R. 4592
Ida Gernes, et al.....N.C.R. 4594.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Green Jones, et al.

Original application of Green Jones, et al., to the Dawes Commission for identification as Mississippi Choctaws.....1
Affidavit of Tom Hinton.....4
Affidavit of Brown Thompson.....5
Original application of Elmira Reeves, et al., to the Dawes Commission for identification as Mississippi Choctaws.....6
Original application of Ida Gernes, et al., to the Dawes Commission for identification as Mississippi Choctaws.....12

(2).

Decision of the Commission denying the
applications in the consolidated case
of Green James, et al., for identifi-
cation as Mississippi Choctaws.....17

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Green Jones for the identification of himself and three minor children as Mississippi Choctaws.

Said Green Jones, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Green Jones.
Q What is your age? A About sixty.
Q What is your postoffice address? A Meridian, Mississippi, 35th Ave., and 14th Street.
Q How long have you lived at Meridian? A Been here 35 years.
Q Where were you born? A In Alabama.
Q What place in Alabama? A Pickens County.
Q How long did you live in Alabama before you came to Mississippi?
A I was about 26 years old when I left Alabama.
Q Lived in Mississippi ever since? A Yes sir.
Q What is your father's name? A Hardy Young.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Ely Jones.
Q Is she dead? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Through my mother.
Q How much blood do you claim? A About one-eighth; her mother was a half Indian.
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? You haven't been out there have you? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Adeline Jones.
Q Is she a negro woman? A Yes sir.
Q Do you make claim for her? A No sir.
Q Have you children under 21 year of age and unmarried that you want to make application for? A Only three.
Q What is the name of the eldest? A Margaret.
Q How old is she? A About eighteen.
Q What is the next child's name? A Lula.
Q How old is she? A Seventeen.
Q Next child? A Ella A. E.
Q How old is she? A Fifteen.
Q Is Adeline, your wife, the mother of these children? A Yes sir.
Q Are you the father? A She said I was.
Q What do you think about it? A I think so, too.
Q Did you marry your wife under a license and by an ordained minister? A No sir, I married before the surrender.
Q And you at that time were a slave? A Yes sir.
Q And your wife was a slave? A Yes sir.
Q Did you both belong to the same master? A No sir.
Q Belong to different masters? A Yes sir, I belonged to Jones and she belonged to Young.
Q What ceremony did you have? A Just went up and asked the owner the old way.
Q There was no ceremony? A No sir.

- Q Was your father a slave before the war? A Yes sir.
- Q And was your mother? A Yes sir.
- Q These children, for whom you make application, were born since? A Yes sir.
- Q You have lived with this woman, that you married as a slave, all your life? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation for yourself or children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship, with your children, in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time to either the Choctaw Tribal authorities or to the authorities of the United States for yourself or your children, for admission or enrollment as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application of any kind you ever made? A Yes sir.
- Q You now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim this right for yourself and them as beneficiaries under article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give me the name or names of any of your ancestors, your kin folks, who were residents of the old Choctaw Nation in Mississippi or Alabama and who were acknowledged members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians and the United States Government? A No sir.
- Q You claim your Choctaw blood through our mother? A Yes sir.
- Q Can you tell me who your mother's mother was, or your mother's father? A Yes sir, my mother's mother was named Cherry Jones and her mother was named Becky.
- Q Were they Choctaw Indians? A Becky was.
- Q How about Cherry? A Cherry was too.
- Q Have you any evidence of any kind to show that your mother's mother and her mother were Choctaw Indians? A By hearing them talk.
- Q You have no evidence to that effect, have you? A I have some witnesses that can tell the same.
- Q Are they here now? A No sir, they aren't here now.
- Q Do you think you can prove this point by witnesses if you are given time? A Yes sir.
- Q Did any of your ancestors, if Choctaw Indians, remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama and go to the Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent living in Mississippi that they intended to live in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your ancestors claim or receive any land in Mississippi

Green Jones et al---3

as beneficiaries under article 14 of the treaty of 1830? A No sir they didn't.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like a little time in which to introduce evidence?

A Yes sir.

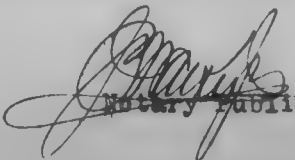
Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence which he may wish to present in support of this claim.

This applicant has the appearance and all the physical characteristics of one descended from African parentage. The Choctaw blood which he claims is not visible in his appearance. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 22nd day of July, 1901,
at Meridian, Mississippi.


Notary Public.

11 11
COPY,

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. W.
C. V. W.

In the matter of the application of Green Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of

Green Jones, et al.....M.C.R. 2833
Elmira Reeves, et al.....M.C.R. 4892
Ida Gernes, et al.....M.C.R. 4594.

--: D E C I S I O N :--

It appears from the record herein that personal applications for identification as Mississippi Choctaws were made to this Commission by Green Jones for himself and his three minor children, Margaret, Lula and Elia A. E. Jones; by Elmira Reeves for herself and her four minor children, Willie G., Robert, Laura and Adaline Reeves; and by Ida Gernes for herself and her minor child, James W. Gernes, under the following provision of the act of Congress approved June 25, 1893, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Becky, who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

From an examination of the records in the possession of the Commission it is found that the name of one Becky appears on page 220, of Volume I, of Claimants brief and evidence, in the case of the Choctaw Nation vs. the United States, before the Court of Claims, No. 12,742, as a female child under the age of ten years at the date of treaty, daughter of Mahatona alias Mahatona. The name Becky also appears in a note on page 279 of said Volume, as a female child over the age of ten years at the date of treaty, as the daughter of the wife of Charles Durant by a former marriage,

It further appears from the records in the possession of the Commission that persons listed as Beeky, Beeky and Beeka received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek", but there is nothing in the evidence submitted by the applicants herein tending to show that the Beeky through whom these applicants claim is identical with any of the persons whose names appear in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Beeky through whom the applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 120) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Green Jones, Margaret Jones, Julia Jones, Elia A.E. Jones, Elmira Reeves, Willis G. Reeves, Robert Reeves, Laura Reeves, Adaline Reeves, Ida Gernes and James E. Gernes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and

-4-
that the applications for their identification as such should
be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

Tams Bixby.

Acting Chairman.

DEC 17 1902

T. B. Needles.

Commissioner.

RECEIVED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 17 1902

COPY.

M C R 2833

Muskogee, Indian Territory, December 17, 1902.

Green Jones,

35th Ave. & 14th Street,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Green Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Green Jones, et al.	M.C.R. 2833
Elmira Reeves, et al.	M.C.R. 4592
Ida Gornes, et al.	M.C.R. 4594

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Green Jones, Margaret Jones, Lula Jones, Ella A. E. Jones,

Elmira Reeves, Willie G. Reeves, Robert Reeves, Laura Reeves, Adaline Reeves, Ida Gornes and James W. Gornes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Doby.
Acting Chairman.

Registered.

M.C.R. 2833.

Muskogee, Indian Territory, December 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Green Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Green Jones, et al.	M.C.R. 2833
Elmira Reeves, et al.	M.C.R. 4592
Ida Cornes, et al.	M.C.R. 4594

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Green Jones, Margaret Jones, Lula Jones, Ella A. E. Jones, Elmira Reeves, Willie G. Reeves, Robert Reeves, Laura Reeves, Adaline Reeves, Ida Cornes and James W. Cornes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M. M. & C. --3

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixie.
Acting Chairman.

Muskogee, Indian Territory, January 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Green Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 17, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Green Jones, et al.,	M. C. R. 2833
Elmira Reeves, et al.,	M. C. R. 4592
Ida Gornes, et al.,	M. C. R. 4594

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of
Indian Affairs.

Tamie Dinty
Acting Chairman.

Enc. M. C. R. 2833

Lam.
856--1903.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, February 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Green Jones, for himself and his three minor children, Margaret, Lula, and Ella A. E. Jones; by Elmira Reeves and her four minor children, Willie G., Robert, Laura and Adaline Reeves; and by Ida Gernes, for herself and her minor child, James W. Gernes, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claims to identification, under this application, on their descent from one Becky, who it is alleged was a Choctaw Indian, and a resident of the Choctaw Nation, in Mississippi at the time of the making of the Choctaw treaty of 1830, through Ely Jones, mother of the principal applicant.

The Commission rejected the applicants December 17, 1902, because the evidence was not sufficient to establish the identity of the Becky under whom they claim with the Becky that appears on their records, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Becky and Ely Jones, and it is

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discovered that there was a Becky, wife of Co-Umbsee, who received scrip in lieu of land, and a Becky, over 10 years of age, at the time of the treaty, child of Masha-sona who received scrip. The evidence in this case is insufficient to identify the Becky under whom they claim with the Beckys' that appear on our records, and it is therefore recommended that a copy of this letter be furnished the applicants and that they be given time in which to appear before the Commission with such evidence and testimony as they may deem fit to establish the identity of this Becky with the Beckys' on our records.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C. (RE)

(Copy)

DEPARTMENT OF THE INTERIOR.

D.O. 13124-1903.
I.T.D. 2274-1903
LRS.

WASHINGTON, May 2, 1903.

J.W.H.
PHE

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 2, 1903, you transmitted the record in the consolidated case of Green Jones, et al., applicants for identification as Mississippi Choctaws, including your decision of December 17, 1902, refusing to identify them as such.

The principal applicant, who is an ex-slave, was born about 1840. He is a resident of Meridian, Mississippi, where he has lived for 35 years. He was born in Pickens County, Alabama, and lived there 26 years. His mother, Ely Jones, was a quarter blood Choctaw. She obtained her Indian blood from her mother, Cherry (or Cherita) Jones. The latter was the daughter of a Choctaw woman named Becky.

Reporting in the matter February 27, 1903, the Acting Commissioner of Indian Affairs recommended that the applicants in this case be given time in which to furnish additional testimony in support of their claims.

Inasmuch as there were two families of the name of Jones, and several persons named Becky who were entitled to benefits of

-2-

article 14 of the treaty of September 27, 1830, it is considered possible that said persons may have been identical with the applicants' ancestors of the same name. The Department therefore considers that a final adjudication of this case should not be had at the present time. You are accordingly directed to inform these applicants that they will be allowed additional time in which to furnish further testimony in support of their claims. In so advising them it is desired that you comply with the instructions contained in departmental letter of April 2, 1903, so far as they are applicable, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R.4964).

The case is remanded to you for appropriate action in accordance with the above instructions. The record is inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, May 11, 1903.

Green Jones,
35th Avenue & 14th Street,
Meridian, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 2, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Green Jones, et al., with instructions that the several applicants included therein be granted further opportunity to introduce additional testimony in support of their claims.

The record in this case shows that the principal applicant's mother, Ely Jones, was a quarter blood Choctaw; that she obtained her Indian blood from her mother, Cherry (or Cherita) Jones. The latter was the daughter of a Choctaw woman named Becky.

The Secretary of the Interior in his letter states:

"Inasmuch as there were two families of the name of Jones, and several persons named Becky who were entitled to benefits of article 14 of the treaty of September 27, 1830, it is considered possible that said persons may have been identical with the applicants' ancestors of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

G J 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to,

G J S

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, June 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.

Registered.

Muskogee, Indian Territory, May 11, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 2, 1903, returned to the Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Green Jones, et al., with instructions that the several applicants included therein be granted further opportunity to introduce additional testimony in support of their claims.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, June 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

M C R 2833

Muskogee, Indian Territory, July 9, 1903.

Green Jones,
35th Avenue & 14th Street,
Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of Sam Rhone, offered in support of your application for identification as a Mississippi Choctaw, and the same have been filed with the records of the Commission.

You are advised, however, that these affidavits do not in any manner comply with the instructions given you in regard to the manner in which evidence should be presented before the Commission in support of your claim for identification as a Mississippi Choctaw and will not receive the same consideration as is given to the testimony of witnesses who appear in person before the Commission, or their depositions when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules is herewith enclosed.

You will be allowed until July 25, 1903, in which to submit in support of your claim testimony of witnesses in person

G J 2

before the Commission or their depositions taken in conformity with
the above mentioned rules.

Respectfully,

Commissioner in Charge.

R & R Dep

Muskogee, Indian Territory, July 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 2, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Green Jones, et al., together with its decision of December 17, 1902, refusing the applications of the several applicants included in said consolidated case.

With departmental letter of May 2, 1903 (I T D 2274-1903), the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on May 11, 1903, notified the several applicants in said case that they would be allowed up to and inclusive of Thursday, June 11, 1903, to introduce additional evidence in support of their claims, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On July 7, 1903, the Commission received from Green Jones his affidavit and that of Sam Rhone, offered in support of this case, and on July 9, 1903, Green Jones was notified that said

affidavits did not in any manner comply with the instructions given him in regard to the evidence should be submitted to the Commission in support of his claim, and that he would be allowed until July 25, 1903, to submit the testimony of witnesses in person or their depositions taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the original record in said case, the affidavits of Green Jones and Sam Rhone, together with copies of notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, are therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HMM OO

M.C.R. 2833

Muskogee, Indian Territory, August 24, 1903.

Green Jones,

Hattiesburg, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 12, asking if your former letter was received, and requesting a reply thereto.

In reply to your letter you are informed that on July 9, 1903, the Commission acknowledged receipt to you at Meridian, Mississippi, of your affidavit and that of Sam Rhone, offered in support of your application for identification as a Mississippi Choctaw, and advised you that the same had been filed with the record in your case.

You were further notified in that letter that these affidavits did not in any manner comply with the instructions given you in regard to the manner in which evidence should be presented before the Commission in support of your claim. No further evidence having been submitted, on July 28, 1903, the record in the matter of your application for identification as a Mississippi Choctaw was returned to the Secretary of the Interior and you will be notified in due time of such action as may be taken.

Respectfully,

Chairman.

5
(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Land.
48559-1903.

Washington, Oct. 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification, as Mississippi Choctaws made by Green Jones, for himself and his three minor children, Margaret, Lula and Ela A. E. Jones; by Elmira Reeves for herself and her four minor children, Willie G., Robert, Laura and Adaline Reeves; and by Ida Gornes for herself and her minor child, James W. Gornes, wherein a decision adverse to the applicants was rendered by the Commission December 17, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from ^{one} Becky, who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830 through Ely Jones, mother of the principal applicant.

The Commission rejected the applicants because the evidence was

deemed insufficient to establish the identity of the Becky through whom they claim and with the Becky that appears on their records. February 27, 1903, this case was transmitted to the Department setting forth the records of this office as follows:

"It is discovered that there was a Becky, wife of Co-chubbee, who received scrip in lieu of land, and a Becky over ten years of age at the time of the treaty, child of Ma-ha-tona, who received scrip"; and recommended that a copy of the letter be furnished the applicants and that they be given time in which to appear before the Commission with such further evidence as they deemed fit to establish the identity of the Becky through whom they claim with the parties of like name that appear as above set forth:

May 2, 1903, the Department remanded this case to the commission with instructions that the applicants be informed that they would be allowed additional time in which to furnish further testimony in support of their claims.

May 11th the commission notified the parties and their attorneys of said decision, and that they would be granted 30 days in which to appear before them.

On July 7th the commission received from Green Jones his affidavit and that of Sam Rhone offered in support of this case, and on July 9th Green Jones was notified that said affidavits did not in any manner comply with the instructions given him in regard to the way evidence should be submitted to the commission in support

of his claim, and that he would be allowed until July 25th, to submit the testimony of witnesses in person or their deposition taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications.

No appearance having been entered by or on behalf of the applicants and no additional testimony having been offered by them, it is the opinion of this office that the decision of the commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,

Commissioner.

G.T.C. (R.)

(COPY)

W. C. F.

DEPARTMENT OF THE INTERIOR.

D. C. 31931,
I.T.D. 7282-1903.
L.R.S.

WASHINGTON.

F.H.E.

November 13, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws of Green Jones (M.C.R. 2833), for himself and his three minor children, Margaret, Lula and Ella A. E. Jones; of Elmira Reeves for herself and her four minor children, Willie G., Robert, Laura and Adaline Reeves; and of Ida Gornes for herself and her minor child, James W. Gornes, transmitted with your letter of January 2, 1903.

The applicants in this case base their claims to a right to identification as Mississippi Choctaws on their descent from Becky, through her daughter, Cherry (or Charita) Jones, through her daughter, Ely Jones, mother of the principal applicant, Green Jones.

Your decision rejecting the applicants was dated December 17, 1902. On May 2, 1903, the Department remanded the case to you for further investigation, with directions to allow the applicants additional time in which to furnish further testimony in support of their claims.

In your letter of July 28, 1903, resubmitting the case, you state that on May 11, 1903, you notified the several applicants that they would be allowed until June 11, 1903, to introduce additional evidence in support of their claims; that on July 7, 1903, the Commission received from Green Jones his affidavit and that of Sam Rhone, offered in support of these claims, and on July 9, 1903, Green Jones was notified that said affidavits did not in any manner comply with the instructions given him in regard to the way evidence should be submitted to the Commission in support of his claim, and that he would be allowed until July 25, 1903, to submit the testimony of witnesses, in person or by their depositions, taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications; that no further appearance was entered by or on behalf of the applicants, and no additional testimony was offered by them.

Reporting in the matter October 10, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,
Acting Secretary.

COPY.

M. J. R. 2877.

Muskogee, Indian Territory, November 30, 1903.

Green Jones,

Hattiesburg, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Green Jones et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

SIGNED:

Tams Dixie.
Chairman.

M.O.R. 2833.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Gornick,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Green Jones et al., of which decision you were advised by mail on the 17th day of December, 1902. f

Respectfully,

(SIGNED.)

Jams Bixby.
Chairman.

REFER TO M. C. R. 2833

Frederic Jones
spal

Consolidated Case

SEX

AGE

POST OFFICE

RESIDENCE
DISTRICT

NAME

CARD NO.

Becky
mother of

Chemp or Charita
Jones 1/2

Eliza Elizabeth Jones
1/2 (1) slave
husband

Hardy Young, slave

Green Jones 60
slave, 1/2
wife

Adeline Jones
negro slave

Madison Jones 7

Addie Jones 1
mar
(Name not given)

Elmira Jones 25 1/2
mar
William Reeves

Mellon Jones 1

Ida Jones 25 1/2
mar
Charles Jones

Margaret Jones 3
Lula Jones 17
Ela A.E. Jones 15

Willie S. Jones 14
Robert Reeves 1
Laura Reeves 9
Adeline Reeves 5

James D. Jones 2

For Identification as a Mississippi Choctaw.

Date JUL 2 1907

Name *Green Jones*

Age 60 Blood $\frac{1}{8}$

Post Office, *Meridian Miss.*
35 E. Ave & 14th St

Father: *Hardy Young, d*

Mother: *Ely Jones, d*

Claims through mother's
wife *Adeline, negro.*

No
~~Claims~~ for wife.

Children:

Margaret, 18

Lula 17

Ela A. E. 15

*Claims for self
and children*

Stenographer *J. J. Miles*

Choctaw MCR 2834

Lena Kinnard

MCR 2834

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Lena Kinnard for the identification of herself and three minor children as Mississippi Choctaws:

Said Lena Kinnard, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Lena Kinnard.
Q What is your age? A About fifty, I reckon.
Q What is your postoffice address? A Livingston, Alabama, Sumter County.
Q How long have you lived there? A All my days.
Q Always lived there? A Yes sir.
Q What is your father's name? A Tom Edwards.
Q Is he living? A No sir.
Q What is your mother's name? A Amy Edwards.
Q Is she living or dead? A Dead.
Q Through which one of these parents do you claim Choctaw blood?
A My mother's mother was Indian.
Q You claim through your mother, do you? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know how much, I reckon about one-third- or a fourth, or something.
Q Do you know how much Indian blood you have? A No sir, I don't know.
Q What was your father's blood? A African, I reckon.
Q Was he a slave before the war? A Yes sir.
Q What was your mother's other blood beside Choctaw? A Negro.
Q Was your mother a slave before the war? A Yes sir.
Q Were you a slave before the war? A Yes, a little bit.
Q What do you mean by a little bit? A Don't know much about it.
Q You was a slave, wasn't you? A Yes sir.
Q You remember slavery days, don't you? A Yes sir.
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities, ~~the~~ or the United States authorities in Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ben Kinnard.
Q Is he a negro? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the eldest? A Ben.
Q How old is he? A Nineteen.
Q The next? A Mack.
Q How old is Mack? A Fifteen.
Q Next? A Alberta.
Q How old is she? A Twelve.
Q Is that all? A Yes sir.
Q Is Ben Kinnard the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you married to your husband under a license and by a minister? A Yes sir.

Q Is your name or the name of anyone of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself or your children as members of that Tribe? A No sir.

Q Did you or did anyone for you or for your children in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or to the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have ever made? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and your children? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and were acknowledged members of the Choctaw Tribe of Indians at in 1830 when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation and the United States Government? A No sir.

Q Can't you tell the name of any of your kin folks, your grandfather? A My grandmother's name was Susan.

Q Do you know your mother's mother's name? A My mother's mother's name was Susan.

Q Susan what? A I don't know, sir.

Q Was she a slave? A No sir.

Q Are you sure about that? A Yes sir.

Q What was her blood? A She was an Indian.

Q What kind of an Indian? A I don't know.

Q Was she a Creek or Seminole? A No sir, she wa'nt a black Indian.

Q What kind of Indian? A Choctaw, I reckon.

Q Where did she live at that time? A She lived in Alabama.

Q Have you any other evidence that your ancestors were Choctaw Indians except what you have been told in the family? A No sir.

Q Have you any documentary proof of any kind that your ancestors were Choctaw Indians? A No sir.

Q Did any of your ancestors remove from Mississippi or Alabama and go to the Choctaw Nation in Indian Territory with the other Indians when they went between the years 1833 and 1838? A I don't know.

Q If your ancestors did not remove at that time with the other Indians, did they within six months after the ratification of the treaty of 1830 go to the United States Indian Agent of the Choctaw Indians in Mississippi, Col. Hunt Ward, and tell him that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors receive or claim any land from the

Lena Kinnard et al---3

United States Government as beneficiaries under article 14 of the treaty of 1830? A I don't know.

Q Can you speak the Choctaw language? A No sir.

Q You never did associate with the Choctaw Indians, did you?

A No sir.

Q You have always been among colored people? A Yes sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, written testimony of any description, affidavits, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce evidence in support of your application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or any other evidence which she desires to present in support of this application which she makes for herself and children.

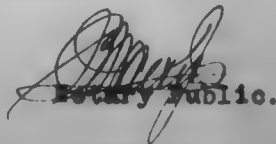
This applicant has the appearance and all the characteristics of one descended from negro parentage. She does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 22nd day of July, 1901, at Meridian, Mississippi.


Notary Public.

Sub

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lena Kinnard,
et al., for identification as Mississippi Choctaws,

M.C.R. 2534

List of papers forwarded to the Secretary of the Interior in the
above case, together with the page occupied by each in the record.

	Page
Original application of Lena Kinnard, et al., to the Dawes Commission for identification as Mississippi Choctaws -----	1

Decision of the Commission refusing the application of Lena Kinnard, et al., for identification as Mississ- ippi Choctaws-----	5
--	---

C.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lena Kinnard,
et al., for identification as Mississippi Choctaws,

M.C.R. 2834

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lena Kinnard for herself and her three minor children, Ben, Mack, and Alberta Kinnard, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Amy Edwards, who is alleged to have been the mother of the principal applicant and to have been possessed of some Choctaw blood, degree thereof not stated. It further appears that the principal applicant's maternal grand-mother was possessed of some Choctaw blood, but as the testimony simply sets forth her given name, that of Susan, and fails to disclose her surname, it is impossible for the Commission to determine whether she was a beneficiary under article fourteen of the treaty above referred to.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Amy Edwards signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved

March 3, 1837 (8 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lena Kinnard, Ben Kinnard, Mack Kinnard and Alberta Kinnard as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tame Dixby.

Acting Chairman

I. D. Jones.

Commissioner

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

JAN 21 1903

Muskogee, Indian Territory, January 21, 1903.

Lena Kinnard,
Livingston, Alabama.

Dear Madam:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lena Kinnard, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lena Kinnard, Ben Kinnard, Mack Kinnard and Alberta Kinnard as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case to-

L. K. 48.

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WILLIAMSON

I. D. Needles

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, January 21, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lena Kinnard, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lena Kinnard, Ben Kinnard, Mack Kinnard and Alberta Kinnard as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. McCallister
Commissioner in Charge .

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lena Kinnard, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED,

Through the
Commissioner of Indian Affairs.
2 Enc. H.C.R. 2834

C. R. Breckinridge

Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
10,104-1903.

April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Lena Kinnard for the identification of herself and her three minor children, Ben, Mack and Alberta Kinnard, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

The record evidence in this case shows that the applicants base their claim to identification by reason of descent from Susan and Amy Edwards, who it is alleged, were citizens of the Choctaw Nation and resided in the State of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Susan and Amy Edwards, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It appears from an examination of the records of this office that the names of Susan and Amy Edwards do not appear among the names of those persons who complied or attempted to comply with the

provisions of article 14 of the Choctaw treaty of 1830, and I
therefore recommend that the decision of the Commission rejecting
these applicants be approved.

Very respectfully,

A. C. Turner,

Acting Commissioner.

(E.B.H.)

P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

FHE

D.C. 10903
I. T. D. 3526-1903.
L R S

April 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Lena Kinnard (M.C.R. 2834), for herself and her three minor children, Ben, Mack, and Alberta Kinnard, including your decision of January 21, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Amy Edwards, who is alleged to have been the mother of the principal applicant and to have been possessed of some Choctaw blood, degree thereof not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

-2-

Reporting in the matter April 1, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 2834.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lena Kinnard, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

Tams Bixby.
Chairman.

COPY.

M.C.R. 2834.

Muskogee, Indian Territory, April 27, 1903.

Lena Kinnard,
Livingston, Alabama.

Dear Madam:

You are hereby notified that on the 15th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lena Kinnard, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

SIGNED *Tams Bixby.*
Chairman.

CARD NO.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE

REFER TO M. C. R. 2834

Lena Kinnard
et al

Consolidated
Case

Juan

Amey (or Annie) Edwards 1/2
man negro slave

Tom Edwards
negro slave

Kena Edwards 50?
man slave

Ben Kinnard, negro

Daphney Cobbs 1/4
man negro slave

Adam McCain
white

Ben Kinnard 19

Mack Kinnard 15

Alberla Kinnard 12

Mack McCain 45 1/8
slave

wife

Letta McCain
negro

Leison McCain 17

Nelson McCain 15

Robert McCain 13

Henry McCain 11

Pauline McCain 9

Cora McCain 8

Emmet McCain 6

#1157

No. 2514

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name *Lena Kinnard*

Age 50 — Blood *don't know.*

Post Office, *Livingston, Ala*

Father: *Tom Edwards, d*
Negro.

Mother: *Amy Edwards, d.*
Negro & Choc

Claims through *mother*
Uncle

Ben Kinnard, Negro.

No claim for husband.

Children: *Ben - 19*
Maek - 15
Alberta - 12

*Claims for self
and children*

Stenographer *J. J. Miles*

128-1
Lena Kinnard et al.

REFUSED

DECISION FILED 1903

NOTICE OF DECISION MAILED APPLICANT: JAN 9 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS: JAN 21 1903

RECORD FORWARDED DEPARTMENT. FEB 6 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 15 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS
APR 27 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
APR 27 1903

DECISION PREPARED

Choctaw MCR 2835

Helen Brown

MCR 2835

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Helen Brown for the identification of herself as a Mississippi Choctaw.

Said Helen Brown, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Helen Brown.
Q What is your age? A About sixty.
Q What is your postoffice address? A Livingston, Alabama, Sumter County.
Q How long have you lived there? A Bred and born in Plainsville, Mississippi.
Q When did you remove to Alabama? A Well, they brought me from Plainsville to Alabama when I was a small child.
Q You went to Livingston then and stayed there ever since? A Yes sir.
Q What is your father's name? A John Indian.
Q Living? A No sir. I haven't seen him since the Mexican war.
Q What is your mother's name? A Matilda Herne.
Q Is she living, no sir, dead.
Q Through which one of your parents do you claim Choctaw blood?
A My father and my grandmother.
Q You claim through your father, do you? A Yes sir.
Q You don't claim through your mother? A No sir.
Q How much do you claim? A Well, my father was full Choctaw and so was my grandmother.
Q How much blood do you claim then? A Well, I could claim a quarter.
Q Do you claim your father was a full blood Indian? A Yes sir.
Q You only claim a quarter? A I claim a half, I reckon.
Q Are you sure about your father being a full blood Indian? A Yes sir, I am sure.
Q Was he a slave before the war? A No sir.
Q Was your mother a slave before the war? A Yes sir.
Q What was her blood? A Her mother was Indian.
Q Was there any white blood in your ancestry anywhere? A I don't know about that.
Q Do you know whether John Indian had white blood in him? A I don't know.
Q Did you ever hear that your mother had any white blood? A No sir, I knew she didn't have any as far as I saw.
Q Then her blood was negro and Choctaw, wasn't it? A Yes sir.
Q And she was a slave? A Yes sir.
Q Were you a slave before the war? A Yes sir.
Q What was your master's name? A Harris Killins. My former master was old John Horn.
Q Was this in Mississippi or Alabama? A John Horn was in Mississippi and Killins was in Alabama.
Q You were taken to Alabama? A Yes sir.
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities? A I don't know.

Helen Brown--2

Q Are you married? A My husband is dead.

Q Are your children all grown? A Yes sir.

Q You make this application for yourself alone, then? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe?

A No sir.

Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Have you ever made application ~~for~~ before this time to either the Choctaw Tribal authorities or to the authorities of the United

States to be admitted or enrolled as citizens of the Choctaw Nation?

A No sir.

Q Is this the first application of any kind you ever made? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your right as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? Any land or money from the Government? A No sir.

Q Can you give me the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were acknowledged members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians? What I mean by that is--can you tell me who your grandfather or your grandmother, your great-grandfather or great-grandmother is, any of your ancestors? A I know my grandmother's name.

Q Was your grandmother the mother of John Indian? A No sir.

Q Can you tell me who was the father or mother of John Indian? A No sir.

Q Can you give me any evidence whatever, either yourself or can you get any kind of evidence that would show the Commission that you had full blood Choctaw ancestors and that they complied with the provisions of the 14th article of the treaty of 1830? A I might get two of the old citizens.

Q Could you bring them before the Commission? A No sir.

Q You would have to get their documentary statements, would you not? A Yes sir.

Q If I were to give you a little time, do you think you could get that? A Yes sir.

Q Have you any evidence that any of your ancestors removed from the territory occupied by the Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other Choctaw Indians between the years 1833 and 1836? A No sir.

Q Did any of your ancestors, if they were Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent living in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi?

Helen Brown---3

Mississippi as beneficiaries under article 14 of the treaty of 1830?

A I don't know.

Q Do you speak Choctaw? A No sir.

Q Have you associated with the Indians? Have you lived among them?

A No sir, I haven't lived among them any more than I have seen them.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were ~~known~~ recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentary evidence?

A Yes sir.

Thirty days time is allowed this applicant in which to file documentary evidence in support of your application.

Q You say you have no white blood? A None as I know of.

This applicant has the appearance and general characteristics of a person descended from a mixed ancestry of negro and Indian blood. It is evident from her hair, which is black and long and straight, and her light complexion, that she has Indian blood. Her features are either the features of mixed Indian and negro or mixed white and negro, and her testimony is that she has no white blood. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of July, 1901, at Meridian, Mississippi.


Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

**In the matter of the application of Helen Brown for
identification as a Mississippi Choctaw, N C H 2038.**

**List of papers forwarded to Secretary of the Interior
comprising the record in above entitled case.**

**Original application of Helen Brown
to the Dawes Commission for identi-
fication as a Mississippi Choctaw..... 1**

**Decision of the Commission refusing the
application of Helen Brown for identifi-
cation as a Mississippi Choctaw..... 4**

~~XXXXXXXXXX~~

Cow.

COPY.
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Helen Brown for
identification as a Mississippi Choctaw, H C R 2835.

--: D E C I S I O N : --

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commis-
sion by Helen Brown for herself, under the following provision of
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, by reason of being
a descendant of John Indian, who is alleged to have been a full
blood Choctaw Indian and Matilda Horne, who is alleged to have

been a Choctaw Indian (degree of blood not given).

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear, from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder, that the said John Indian or Matilda Horne, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 5, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Helen Brown as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application

-2-

for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

James Bixby.

Acting Chairman.

SIGNED.

T. B. Needles.

Commissioner.

SIGNED.

W. D. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 5 1907

Application of Helus Brown
for identification as a
Mississippi Choctaw.

Officer of non
resident witnesses and
application to take
their deposition.

Wm. H. Brown

Wm. H. Brown, Clerk of the Court, Mississippi.

Wm. H. Brown, Clerk of the Court, Mississippi.

Wm. H. Brown, Clerk of the Court, Mississippi.

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Wm. H. Brown, Clerk of the Court, Mississippi.

Wm. H. Brown, Clerk of the Court, Mississippi.

Wm. H. Brown
2835
H. H. 1

In the matter of the application
of Helen Brown for identification
as a Mississippi Choctaw

Affidavit to secure the testimony of material witnesses in behalf of
said application.

State of Alabama }
Sumter County }

publici,

Personally appeared before me *James*
a. Mitchell, a notary

in and for said State and County, Helen

Brown who is known to me and who being by me duly sworn according to
law deposes and says:

1st, That said affiant, Helen Brown made personal application to the
Commission to the Five Civilized Tribes sitting at Meridian, Miss.,
for identification as a Mississippi Choctaw.

2nd, That in support of her application it is necessary to take the
depositions of the following named persons Helen Brown (affiant)
M.E. Whitehead, Liza McCormico and ~~A. Mitchell~~ who reside at
Livingston, Sumter County, Alabama, and whose testimony is material in
behalf of said application. Affiant further says, that on account of
age and infirmity said named witnesses cannot appear before the said
Commission and that said witnesses reside out of Indian Territory and
out of the State of Mississippi.

3rd, Affiant expects to prove by her own testimony that her father
was a full-blood Mississippi Choctaw Indian, named "John Indian", or
"Indian John", that her mother was named Matilda Horne, a slave.
That said affiant is about 65 years of age, that she has resided all
her life near Livingston, Sumter County, Alabama, that the last time
she saw her father, John Indian, she was a small child he came by to tell
her mother Matilda goodbye and gave her (Helen) a calico dress and
other presents, he was then on his way to the Mexican war,.
Her mother always told her that John Indian was her father. Her
mother died about 20 years ago.

Affiant expects to prove by Mrs. M.E. Whitehead (white) that she knew
affiant, Helen Brown, and her mother for a great many years.

That her mother was named Matilda Horne, that affiant was always recognized as half Indian, that her high cheek bones, straight black coarse hair, light red skin are distinguishing marks of her race.

Affiant expects to prove by Liza McCormico that she was personally acquainted with affiant Helen Brown, and her mother Matilda Horne. She knew John Indian the father of Helen Brown, he was a full-blood Mississippi Choctaw Indian. She had often heard Matilda during past years say that John Indian was Helen's father. John Indian when witness was a child was camped west of Livingston, Alabama with tribe of Mississippi Choctaws.

*Sworn to and subscribed
before me this the
28th day of July 1903*

*Helen ^{her} Brown
mark*

*James A. Mitchell
Notary Public.*

Application of Helen Brown
for identification as a
Mississippi Choctaw.

Interrogatories to be
propounded to.
Helen Brown
Mollie E. Whitehead
Liza McCombes

Also: High cheek bones, straight
the had all the distinguishing marks

half Indian.

1- State whether or not Helen Brown was always recognized as

6- State whether or not her mother was a slave or free.

UNITED STATES OF AMERICA,)
 Indian Territory,) ss.
 Central District.)

I hereby certify that I served the within Interrogatories to be propounded to Helen Brown, Mollie E. Whitehead and Liza McGinnis, on Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations of Indians, by delivering a true copy of same to Geo. A. Mansfield, a member of said firm at their office in the city of South McAlester, I. T., this 15 day of August 1903 at 10:10 o'clock A. M.

B. F. HACKETT,
 U. S. Marshal.

By J. P. Miller Deputy.

Application of Helen Brown for identification as a Choctaw or Chickasaw.

Interrogatories to be propounded to Helen Brown, Mollie E. Whitehead, Liza McGinnis.

State whether or not she has all the distinguishing marks of her race.

- 1- State whether or not Helen Brown was always recognized as a Choctaw or Chickasaw.
- 2- State whether or not her mother was a slave or free.

In the matter of the application
of Helen Brown for identification
as a Mississippi Choctaw.

Interrogatories to be propounded to Helen Brown, Mollie E. Whitehead and Liza McConnico-- witnesses introduced in support of the application. They reside on Livingston, Alabama, Sumter County, and their testimony is material.

Interrogatory to Helen Brown.

- 1- State your name, age and place of residence.
- 2- State your father's, and mother's name respectively.
- 3- State whether your mother was slave or free.
- 4- State whether your mother lived when you were a child, and state fully all you know about your father when you last saw him, and under what circumstances.

1-

Interrogatory to Liza McConnico.

State your age and place of residence.

- 2- Are you acquainted with Helen Brown, if so state her age and where she resides.

3- Did you know her mother and father; if you answer yes?

4- State their names and where you first knew them

5- State whether or not Helen Brown's mother was a slave, and whether or not her father was named John Indian.

6- State whether or not he was a full-blood Mississippi Choctaw Indian.

2a

Interrogatory to Mollie.E.Whitehead.

1- State your age and place of residence.

2- Are you acquainted with Helen Brown.

3- If so, give her age and place of residence.

4- Were you acquainted with her mother?

5- If so, give her name and age.

6- State whether or not her mother was a slave or free.

7- State whether or not Helen Brown was always recognized as half Indian.

8- State whether or not she had all the distinguishing marks of her Indian blood, viz., high cheek bones, straight coarse black hair.

Altman & Brockway
Atty's for Helen Brown

Note. We suggest J. A. Mitchell, Esq., who resides at Livingston Alabama, as a suitable person to take these depositions -

Altman & Brockway
Atty's for Helen Brown.

COPY.

Muskogee, Indian Territory, December 5, 1902.

Helen Brown,
Livingston, Alabama.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Helen Brown, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Helen Brown as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review

-2-

to the Secretary of the Interior through the Commissioner of
Indian Affairs.

Respectfully,

Ferns Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 2835

Muskegee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Helen Brown, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Helen Brown as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

Tamm Bivvy.
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Holan

Brown, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc.: H.C.R.2835.

Tamc Pinky
Acting Chairman.

Land.
56196--1902

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, March 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Helen Brown for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases her claim to identification on her descent from Matilda Herne who is alleged to have been a Choctaw Indian, degree of blood not stated, and one John Indian who is alleged to have been a full blood Choctaw Indian, and who are alleged to have been residents in the Choctaw Nation in Mississippi at the time of the making of the treaty of 1830.

The Commission rejected the applicant December 5, 1902, because the names of the ancestors through whom she claims do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Matilda Herne and John Indian and it is

-2-

discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; nor does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians, if they had such rights.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

C.T.C. (S)

D.C. 15854

Copy

DEPARTMENT OF THE INTERIOR.

J.W.H. FHE.

I.T.D
L.R.S

3882-1903.

WASHINGTON.

May 23, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case of Helen Brown (M.C.R. 2835), an applicant for identification as a Mississippi Choctaw, including your decision of December 5, 1902, refusing to identify her as such.

This applicant who is an one-half blood Choctaw, was born in 1841, in Plainsville, Mississippi. She now resides in Alabama. It seems that her father, John Indian, was a full blood Choctaw. The applicant is unable to state the names of his parents. The mother of Helen Brown was a slave named Matilda Horne. Her blood was part negro and part Choctaw. It appears from the record that the applicant stated that she knew her grandmother's name. On ascertaining from her however, that the grandmother referred to was not the mother of John Indian, you made no further inquiry relative to the matter. Such inquiry was important, inasmuch as one of the parents of Matilda Horne was probably a Choctaw. The applicant should therefore be allowed to furnish additional testimony showing the names of her maternal ancestors.

Reporting in the matter March 26, 1903, the Acting Commissioner of Indian Affairs stated:

"An examination of the records of this office has been made with reference to the names of Matilda Horne and John Indian and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; nor does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as

Chectaw Indians, if they had such rights,"

and recommended that your decision be affirmed.

The report of the Acting Commissioner is not entirely in harmony with a previous report furnished by the Indian Office, under date of March 4, 1903, relative to the case of Tilman Hicks, et al., one of whose ancestors was Indian John. Said report shows that there were eight persons who complied or attempted to comply in person or by proxy, with the provisions of article of the treaty of September 27, 1830, and contains the material part of the evidence found in the records of the Indian Office relative to them. A copy of said report was furnished you in departmental letter of March 13, 1903, relative to the case of Tilman Hicks, et al.

It is possible that the applicant's father John (or John Indian), is identical in person with some one of the eight persons referred to above. It is therefore considered that a final adjudication of this case should not be had at the present time, and the case is remanded to you for further inquiry, in accordance with the suggestions herein contained.

In advising the applicant hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Chectaw case of Harriet Adkins (M.C.R. 4944).

The record in the case is inclosed herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

THOS. RYAN.

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, July 13, 1903.

Helen Brown,
Livingston, Alabama.

Dear Madam:

The Secretary of the Interior with his letter of May 23, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of your application for identification as a Mississippi Choctaw, with instructions that you be allowed further opportunity to introduce additional testimony and evidence in support of your claim.

It appears from the record in this case that your father was John Indian, an alleged full blood Choctaw, and that your mother was Matilda Horne, a slave.

The Secretary of the Interior in his letter states:

"The report of the Acting Commissioner.....relative to the case of Tilman Hicks, et al., one of whose ancestors was Indian John, shows that there were eight persons who complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, and contains the material part of the evidence found in the records of the Indian Office relative to them.

It is possible that the applicant's father John (or John Indian), is identical in person with some one of the eight persons referred to above."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

H B 2

relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

H B 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, August 13, 1903, hear the testimony of such witnesses as may appear in person, and receive for consideration documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep
Registered

Muskogee, Indian Territory, July 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 23, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Helen Brown, with instructions that the applicant be allowed further time in which to introduce additional testimony and evidence in support of her claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, August 13, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, December 10, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

On December 22, 1902, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Helen Brown, together with its decision of December 5, 1902, refusing the application made by Helen Brown for identification as a Mississippi Choctaw.

With departmental letter of May 23, 1903 (I T D 3282-1903), the record in this case was remanded in order that the applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on July 13, 1903, notified the applicant, Helen Brown, that she would be allowed up to and inclusive of Thursday, August 13, 1903, to introduce additional evidence in support of her application for identification as a Mississippi Choctaw, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

July 31, 1903, Altman & Brockway, Livingston, Alabama, forwarded to this Commission the affidavit of Helen Brown, together with interrogatories to be propounded to Helen Brown, M. E. White-

head and Liza McConnico. The same not being in proper form were returned.

On August 21, 1903, the Commission received from Helen Brown her affidavit setting forth her reasons for desiring to have the depositions of herself, M. E. Whitehead and Liza McConnico; also interrogatories to be propounded to said witnesses, with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Commissions to take the above mentioned depositions were issued on September 1, 1903, and on November 7, 1903, there were received the depositions of Helen Brown and Liza McConnico.

The Commission notified Altman & Brookway on November 13th to forward the deposition of M. E. Whitehead, if they still desired to submit the same, within fifteen days. It has not yet reached this office.

The original record in said case, together with copies of notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations, and the depositions of Helen Brown and Liza McConnico, is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 11

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land,

WASHINGTON

July 14, 1904.

80710-1903.

617-1-
The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith for departmental action a report of the Commission to the Five Civilized Tribes, dated December 10, 1903, transmitting therewith the original record together with the record of additional proceedings had, in the case of Helen Brown, an applicant to the Commission for identification as a Mississippi Choctaw Indian, including the decision of the Commission of December 5, 1902, refusing to identify her as such.

Applicant, Helen Brown, claims rights in the Choctaw lands under Article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being a descendant

of one John Indian who is alleged to have been a full blooded Choctaw Indian and the father of applicant and being also a descendant of one Katie Johnson who is alleged to have been a

full blood Choctaw Indian and the maternal grandmother of applicant.

Applicant, Helen Brown, claims to be one-half blood Choctaw, states that she is now sixty-five years of age, having been born in Plainsville, Mississippi, in 1845 and now resides in Livingston, Sumter County, Alabama. Applicant admits that her parents were never married to each other, that "her father had one son named Charlie by a different woman" and that her mother was born in North Carolina and was a slave "had five children by a different woman", namely Feribee Horn, Blunt Horn, Handsome Horn, Martha Horn and Kinoh Horn, all of whom were older than the applicant.

Applicant states that her parents were living in Sumter County, Alabama, at the time of the Mexican War when she last saw her father who was then a gray-haired man and had come to see her mother before joining the army in the war with Mexico. Applicant further states that John Indian always recognized her as his child.

A careful examination of the records of this office with reference to the name of John Indian and Katie Johnson, the alleged father and grandmother of applicant, discloses the name of one John under ten years of age at the date of the treaty of 1830, living with his parent Nok-o-an-tubbee on lands in Sec. 36, T. 12 N. R. 13 E., in Neshoba County, Mississippi, (see copy of original claim filed by Nok-o-an-tubbee, herewith). The files of this office show that the above child named John received the following lands, viz: SE/4 of Sec. 14, T. 11 N., R. 13 E., situate in Neshoba County, Mississippi, under the provisions of the treaty of

1830.

As applicant claims that her father Joyn Indian was a gray-haired man in 1845 and had a son named Charlie born prior to 1830 and that John Indian lived in Lauderdale County, Mississippi; it is evident that John Indian is not identical with the John of record above noted.

The records further show that one Jonny, whom the files of this office show to be a minor scrippee, was living with his parent Okliah who resided in lands in Sec. 18, T. 4 N., R. 11 E., in Jasper County Mississippi, at the date of the treaty of 1830 and that said Jonny at that time was under ten years of age. (See copy of deposition of Ah-koo-chum-tub-bee herewith). It will thus be seen that on account of disparity in ages, John Indian cannot be identical with the Jonny above noted. The records further show that one Jonny whom the files of this office show to be a minor scrippee, was residing with his adopted parent Potubbe on lands in Sec. 8, T. 5 N., R. 8 E., on Leaf River in Scott County, Mississippi at the date of the treaty of 1830 at which time Jonny was under ten years of age. Potubbe four years after the treaty moved to Tallahala creek in Smith County, Mississippi (see copy of deposition of Pausch-ok-ohia herewith, also original application of Po-tub-bee 17-32 on file in this office). It is evident that from a disparity in ages and difference of places of residence, John Indian cannot be identical with the said Jonny

above noted. The records further show that one John whose parent Ah-fah-mo-ah resided on lands in NW/4 Sec.27, T.11 n., R.6 E., situate in Leake County, Mississippi, (See copy of deposition of Tish-ho-pi-ah herewith). The files further show the above noted John to have been a minor scrippee. The records further show that one John whom the files of this office show to have been a minor scrippee, was living at the date of the treaty of 1830 with his parent Pah-hah-co on lands in Sec.4, T.11 N., R.5 E., in Madison County, Mississippi, and that at the date of said treaty of 1830 said John "was nearly grown and was over ten years old, not married" (See deposition of Tisho-piah in claim of Pah-hah-co herewith).

Applicant admits that her father John Indian never married her mother, although it appears that he has been formerly married. His only known place of residence was in Lauderdale County, Mississippi. It is known where he resided in 1830. The evidence is insufficient to identify John Indian as the identical John above noted who lived in Madison County, Mississippi, in 1830.

The files of this office show ~~one John~~ a minor scrippee whose parent was Jim Tom but said John was born after the treaty and was too young to be identified as John Indian. The files of this office further show that Hi-e-an-to-nah a Choctaw claimant had a son named John but said claim was rejected.

Your attention is specially invited to the original deposition of To-na-la-chah in the claim of Bah-pis-sah (dead) reported in

in journal of proceedings of Commissioners Claiborn and Graves in the adjudication of Choctaw Claims Book No. 101 page 52 wherein the name of one John appears as a son of Bah-pis-gah who was living with her two children Peggy and John at the date of the treaty of 1830 within "one mile of the Tombigee and two miles north of Old Factory, Sumpter County, Alabama", in the same vicinity where the principal applicant Helen Brown now lives but deponent states that said John went West five years after treaty whereas claimant's father John Indian bade claimant's mother Goodbye in Sumpter County, Alabama, about 1845, although it is not shown where he was living previous to his visit, nor is it known where John Indian was living in 1830.

Said deposition reads as follows:

- "1. Witness To-ma-la-ohah says he knows the parties present well and they are the children of Bahpissah (now dead) and who was sister to deponents grandmother. That Bahpissah died last winter a year ago. She had the following children, Viz: Jim, Tom, Hotomea, Peggy, three now present.
- "4. Sah-mon-gay - female now dead.
- "5. Nancy - female - went West three years after Treaty.
- "6. Milly - female - went West second fall after Treaty.
- "7. John - man - went West five years after Treaty. Says that Sahmongay the fourth child died about three years after the Treaty and left three children now living, Viz: 1. Maria, female, now at home.
- "2. William - man - at home.

-6-

"3. Joe, at home, man - all on Tombigby River.

"That at date of Treaty, Peggy and John lived with their mother
"and neither married. That Bahpissah was a full-blood Indian and
"her a widow - her husband dead. The claimant had a house and
"field to herself - no one lived with her or in same yard but her
"two children Peggy and John. That a sister of deponent lives her
"nearest neighbor about five hundred yards off.

" 2. Claimant's improvement was situated in one mile of the Tom-
bigby and two miles north of Old Factory, Sumpter County, Alabama,
"Jerry Folsom's Company and Meshulatubbee's district. Her land
"was first rate rich land - inclined to be sandy and first rate
"spring water. That deceased claimant lived on this place con-
"tinuously till her death. Her daughter Peggy now lives there.
"The claimant and deponent went together to the Old Factory at the
"time of Annuity - that Mr. Gaines hearing that the claimant was
"there sent for and told her to have her name registered and get
"land. She told him and Ward being present, she came for that
"purpose - that Col. Ward put the names of the claimant and her
"two children (Peggy and John) herself and read them out. That
"Peggy was then sixteen and John ten years old. The claimant
"received no part of the annuity and applied and Obt'd. no other
"land under any other article of the treaty. Knows of no sale or
"contract to sell land or scrip by either Bahpissah or any of her
"children." (Jan. 26, 1843). Although the above described John
appears to have lived in Sumpter County, Alabama, in 1830, same

county as applicant's residence, yet it appears that said John went West in 1835. Liza McConico testified that John Indian lived in Lauderdale County, Mississippi, ever since she was born - sixty years ago - 1843. Helen Brown testified that she did not know where her father John Indian lived in 1830 but stated that he visited her mother about 1845 before joining the army for the Mexican War and that he was then a gray-headed man. The John of record above noted was only ten years of age in 1830 and would

have been only 25 years old in 1845 and consequently could not have been identical with the gray-headed John Indian whom applicant recognized as her father in 1845. As to the name Katie Johnson, the maternal grandmother of applicant, the records of this office fail, to disclose any such name, as the name of any or the descendant of any beneficiary under the provisions of the treaty of 1830. I am of the opinion that the evidence adduced considered in connection with the records of this office fails to show that either of the alleged ancestors of applicant, namely John Indian or Katie Johnson are identical with any Choctaw Indian or descendants thereof who complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830 or received land thereunder or scrip under subsequent legislation relative thereto.

Applicant does not speak Choctaw and the Commission states that she has the appearance and general characteristics of a person descended from a mixed ancestry of negro and Indian blood.

I recommend that the decision of the Commission dated
December 5, 1902, refusing to identify Helen Brown as a Mississippi
Choctaw Indian be affirmed.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

(COPY)

T.P.

DEPARTMENT OF THE INTERIOR

FHE

D.C. 25583-1904.

WASHINGTON

July 19, 1904.

I.T.D. 5752-1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, India Territory,

Gentlemen:

On December 22, 1902, you transmitted the record in the matter of the application of Helen Brown for identification as a Mississippi Choctaw, including your decision of December 5, 1902, refusing to identify her as such.

Reporting in the matter July 14, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, July 31, 1903.

Altman & Brockway,

Livingston, Alabama.

Gentlemen:

The Commission is in receipt of your letter of July 28, 1903, enclosing the affidavit of Helen Brown together with interrogatories propounded to Helen Brown, M. E. Whitehead and Lisa McCormico. The same not being in proper form are herewith returned.

You are informed that all the interrogatories to be propounded to each witness should be grouped together leaving sufficient space for answers after each question.

A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws is herewith enclosed and by reference thereto you will note that under Rules 12 and 13 proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of copies of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copies thereof to the United States Marshal at South McAlester, Indian Territory, with instructions to make service of the copies upon said attorneys returning the originals with proof

A. & B.-----2

of service to this Commission. Upon return of the above mentioned papers in proper form the same will receive further consideration.

Respectfully,

Commissioner in Charge.

Enc. H.M. 1
R & R

M.C.R. 2835

Muskogee, Indian Territory, August 21, 1903.

Helen Brown,

Livingston, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your affidavit wherein you set forth your reasons for desiring to have certain depositions taken in support of your application for identification as a Mississippi Choctaw; also interrogatories to be propounded to said witnesses, with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Helen Brown M.C.R. 2835, and when the required time has elapsed for the filing of cross-interrogatories by the attorneys for the Choctaw and Chickasaw Nations a commission will be issued for the taking of these depositions and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M.C.R.2835.

Muskogee, Indian Territory, September 1, 1903.

Altman & Brookway,
Attorneys-at-Law,
Livingston, Alabama.

Gentlemen:

Enclosed please find commission to take the deposition of Helen Brown, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Helen Brown, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross-interrogatories to be propounded to said witness, also a caption and certificate, which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition to return same to this Commission, in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enc. N-4.

Commissioner in Charge.

M C R 2835

Muskogee, Indian Territory, November 13, 1903.

Altman & Brookway,
Attorneys at Law,
Livingston, Alabama.

Gentlemen:

On September 1, 1903, there were issued to you from this office commissions to take the depositions of Helen Brown, Liza McConnico and Mollie E. Whitehead, the same to be read in evidence in the matter of the application of Helen Brown for identification as a Mississippi Choctaw.

The depositions of Helen Brown and Liza McConnico were received on the 9th instant. If it is your intention to file the deposition of Mollie E. Whitehead it will be necessary that the same be forwarded to this office within fifteen days from this date, in order that it may be transmitted with the record in this case to the Secretary of the Interior.

Respectfully,

Chairman.

W.C.M. 2835

Muskogee, Indian Territory, August 1, 1904.

Helen Brown,

Livingston, Alabama,

Dear Madam:

You are hereby notified that on the 19th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, August 1, 1904.

Nansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 19th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Helen Brown, of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

M.C.R. 2835

COPY.

Muskogee, Indian Territory, August 1, 1904.

Altman & Brockway,

Attorneys at Law,

Livingston, Alabama,

Gentlemen:

You are hereby notified that on the 19th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered December 5, 1902, refusing the application for identification of Helen Brown as a Mississippi Choctaw.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

#1158

No. 2005

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name Helen Brown.

Age 60 Blood $\frac{1}{2}$

Post Office, Livingston, Ala

Father: John Indian, d

Mother: Matilda Horne, d

Claims through father.

~~Children:~~

Claims for self

Stenographer J. J. Niles

REFUSED.

Helen Brown.

11-11

RECEIVED

DEPT. OF THE INTERIOR

WASHINGTON, D. C.

JUL 19 1904

NOTICE OF DEPARTMENTAL ACTION
FORW. BY MAIL TO APPLICANT.

JUL 19 1904

RECEIVED

DEPT. OF THE INTERIOR

WASHINGTON, D. C.

JUL 19 1904

RECEIVED DEPARTMENT

JUL 19 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JUL 19 1904

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT FOR CHOOTA
AND CHICKASAW TRIBES.**

11-11

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.**

JUL 19 1904

Helen Brown

Choctaw MCR 2836

Bettie Scott

MCR 2836

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, July 2, 1901.

In the matter of the application of Bettie Scott for the identification of herself and one minor child as Mississippi Choctaws.

Bettie Scott, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bettie Scott.
Q What is your age? A I am twenty eight.
Q What is your post office address? A Whitfield, Alabama.
Q How long have you lived at Whitfield? A I have been living there about seventeen years.
Q Where were you born? A In Sumter County, Alabama.
Q And from Sumter County, you went into what county? A I aint been to any other one to live any time.
Q Have you always lived in Sumter County? A Yes sir.
Q What is your father's name? A Ben Scott.
Q Is he living? A Yes sir.
Q What is your mother's name? A Eliza Scott.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A My father.
Q How much do you claim? A Half.
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A No sir.
Q Have you any children you want to make application for? A I have one.
Q What is your child's name? A Mary Ann?
Q What? A Scott.
Q How old is Mary Ann? A About seven years old.
Q Who is the father of Mary Ann Scott? A Nealy Noble.
Q Are you living with Nealy? A No sir.
Q What is his blood? A I don't know sir; I couldn't tell you.
Q Is he white or black? A Black.
Q Isn't he a negro? A I guess he is.
Q You were not married to Nealy Noble? A No sir.
Q What is his address? A Whitfield, Alabama.
Q Is your name, or the name of this child on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself or child as members of that tribe? A No sir.
Q Did you, or did any one for you, or for your child, in 1896, under the Act of Congress of June 10, 1896, make application for membership in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.

Bettie Scott, et al., #2.

Q Have you ever been admitted to citizenship with your child in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as members of the Choctaw tribe? A No sir.

Q Do you claim Choctaw blood for this child through yourself alone? A Yes sir.

Q You don't claim Choctaw blood through its father? A No sir.

Q Is this the first application of any kind you have made? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and child? A Yes sir.

Q Do you claim this right as beneficiaries under the provisions of article 14 of the treaty of 1830? A Yes sir.

Q You claim your father was a full blood Choctaw? A Yes sir.

Q What was your mother, a full blood negro woman? A Yes, I guess she is.

Q So that half your blood is Choctaw and half negro? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q You don't understand Choctaw words? A No sir.

Q You never have associated with the Choctaws at all, have you? A No sir.

Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830, and who were at that time recognized members of the Choctaw tribe of Indians, when the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw tribe of Indians? A My grand mother, was named Ann.

Q Was she your father's mother? A Yes sir.

Q Do you remember your father's father's name? A His name was William.

Q Were these full blood Choctaw Indians? A Yes sir.

Q You are sure about that; you knew that they were?

A Yes sir, because my father said so.

Q He taught you that, did he? A Yes sir.

Q But you don't know that yourself? A No sir, I don't; I was too small to know that.

Q Have you any other evidence except your own testimony, and what they have told you, that his father and mother were full blood Indians? A My grand mother told me.

Q Your grand mother told you herself? A Yes sir.

Q Did any of your ancestors if Choctaw Indians remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians between the years 1832 and 1836? A I don't know; no sir.

Q Did any of your ancestors, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States? A No sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Bettie Scott, et al., No. 3.

Q You don't speak Choctaw? A No sir.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of that treaty, or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce such evidence?

A.W. Trotter, attorney for applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance and physical characteristics of one descended from an ancestry of mixed blood, composed of negro and Choctaw. Her father who appeared before the Commission immediately before this applicant claims to be a full blood Choctaw Indian, and looks to be. This applicant has the appearance of having some Choctaw blood, but the negro seems to predominate; she has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

(Applicant excused.)

Dempsey Drake, having been first called and duly sworn as a witness in behalf of the applicant, testified as follows:

Examined by the Commission.

Q What is your name? A Dempsey Drake.

Q Where do you live? A In Sumter County, Alabama.

Q What is your post office address? A Whitfield, Alabama.

Q How old are you? A Fifty four.

Q What is your occupation? A Farming.

Q And you claim to be half Choctaw Indian? A Yes sir.

Q Do you know Bettie Scott? A Yes sir.

Q How long have you known Bettie? A From a little child.

Q How old is Bettie now? A I don't remember exactly back like this.

Q Have you known her since she was a little child? A Yes sir.

Q What is her father's name? A Ben Scott.

Q Is that the man there? A Yes sir.

Bettie Scott, et al., #4.

- Q Is Ben Scott a Choctaw Indian? A He looks to be.
Q What do you think he is? A I think he is a Choctaw Injun.
Q Do you know Ben Scott's father or mother? A I knew his mother.
Q Where did you know her? A Down in that settlement there.
Q Near where? A Near Whitfield.
Q Was his mother a full blood Choctaw Indian? A From her looks - it just looks that she was a full blood Indian.
Q Did she have straight hair and the characteristics of an Indian?
A Yes sir.
Q Did you know his father? A No sir.
Q Didn't know anything about him? A No sir.
Q Do you know whether his mother talked Choctaw? A No sir, I don't know that.
Q Have you any further knowledge of the Choctaw ancestry of Bettie Scott? A No sir.
Q You have testified to all you knew now? A Yes sir.

(Witness excused, and applicant re-called.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi,
this 3rd day of August, 1901.

[Signature]
Notary Public.

CC. V.

Muskogee, Indian Territory, July 29, 1904.

Bettie Scott,

Whitfield, Alabama,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you and your child, Mary Ann Scott.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 2836

COPY.

Muskogee, Indian Territory, November 1, 1904.

Bettie Scott,

Whitfield, Alabama,

Dear Madam:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and daughter, Mary Ann Scott, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(S-10-10)

T. D. Needles

Commissioner in Charge.

IDENTIFICATION SYSTEM
MISSISSIPPI CHOCTAW.

Bettie Scott et al

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED
APPLICANT 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JUL 29 1904

NOTICE OF DECISION
FORWARDED TO APPLICANT
FOR APPLICANTS JUL 29 1904

RECORD FORWARDED DEPARTMENT.
AUG 15 1904

ACTION REFERRED BY
SECRETARY OF THE DEPARTMENT.

FILE TO M. C. R.

3 /

#1059

No

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name *Bettie Scott*

Age *28* Blood $\frac{1}{2}$

Post Office, *Whitfield, Ala.*

Father: *Ben Scott, W.*

Mother: *Eliza " L*

Claims through *father*

Children:

Mary Ann Scott, 7
Nealy Noble, (negro)
is the father of Mary
Ann Scott, Ill. Child.
Father's address is
Whitfield, Ala.

Claims for self & child.

Stenographer

R. P. I. Thrash

Choctaw MCR 2837

Ben Scott

MCR 2837

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Ben Scott, et al.,
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
Ben Scott, et al., for identification as Mississippi
Choctaws, M.C.R. 2837.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Ben Scott, et al.,
for identification as Mississippi Choctaws, M.C.R. 2837.

--: I N D E X :--

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-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c0o-

In the matter of the application of Ben Scott, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:

Ben Scott, et al.,	M.C.R. 2837
Margaret Scott, et al.,	M.C.R. 2839
Seaborn Scott,	M.C.R. 2879
Claborn Scott,	M.C.R. 2880
Reed Scott, et al.,	M.C.R. 2882
Bettie Scott, et al.,	M.C.R. 2836
Nora Moore, et al.,	M.C.R. 5298

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

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-000-

2837

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, July 2, 1901.

In the matter of the application of Ben Scott for the identification of himself and three minor children as Mississippi Choctaws.

a. J. Scott, atty
Ben Scott, having been first duly sworn, upon his oath states as follows:

Examination, by the Commission.

- Q What is your name? A Ben Scott.
Q What is your age? A Fifty four.
Q What is your post office address? A Whitfield, Alabama.
Q Where were you born? A Alamucha old Town in Mississippi.
Q At what age did you go to Alabama? A About twelve years old.
Q Have you lived in Alabama ever since you were twelve? A Yes sir.
Q And did you live at Whitfield most of the time? A No sir, when my mother went to Alabama she bought a piece of land and her father and she lived to herself.
Q You have lived in Alabama from the time you was twelve years old? A Yes sir.
Q What was your father's name? A William Scott.
Q Is he living? A No sir.
Q What is your mother's name? A Ann.
Q Is she living? A No sir.
Q Through which one of these parents do you derive your Choctaw blood? A Both.
Q How much Choctaw blood do you claim to have? A Full blood.
Q What was your father's blood? A Choctaw.
Q Was he a full blood? A Yes sir.
Q What was your mother's blood? A Choctaw.
Q Full blood? A Yes sir.
Q Neither were slaves before the war? A No sir.
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities? A My mother and father died down in Sumter County; father's father died here.
Q They didn't go to the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Eliza.
Q What is her blood? A Darkey.
Q Do you make any claim for her? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Three.
Q What is the name of the oldest? A Nicodemus.
Q How old is Nicodemus? A 18 years old.
Q What is the name of the next? A Susanna.
Q How old? A 13.
Q What is the name of the next? A Edie.
Q Girl? A Yes sir.

Ben Scott, et al., #2.

- Q How old is Edie? A About two years old.
- Q Is Eliza the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q Were you married to your wife under a license and by a minister?
- A Yes sir.
- Q Have you your marriage license and certificate with you? A I was married and a license come from Livingston.
- Q Have you your license with you? A No sir.
- Q Is your name, or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir, whether they are in the Territory or not.
- Q Have you ever made application for yourself and children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you, or any one for you, or your children, in 1896, make application to the Commission to the Five Civilized Tribes --
- A Not that I know anything about.
- Q For citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you, or your children, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made any application for yourself and children before this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application you have made of any description for yourself and children? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim your right ~~as~~ for yourself and children as beneficiaries under Article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Can you give me the name of any of your ancestors who were residents of the old Choctaw nation in Mississippi and Alabama in 1830, and acknowledged members of the Choctaw tribe of Indians when the treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians and the United States Government? A George Scott.
- Q What was George Scott? A What kin, A Grand father.
- Q On which side, father or mother? A Father.
- Q What was his wife's name? A Pelly Scott.
- Q Were they full blood Choctaw Indians? A Yes sir.
- Q Can you prove that they were? A Yes sir, I suppose that I can.
- Q Can you give the names of any other of your ancestors on your mother's side? A Yes sir. Her father's name was Post-Oak John.
- Q What was his wife's name? A Martha John.
- Q Were they full blood Choctaw Indians? A Yes sir.
- Q Did they live in Mississippi in 1830, all these four ancestors?
- A Yes sir.
- Q Do you know whether they complied with the provisions of article 14 of the treaty of 1830? A Yes sir.
- Q Have you any proof of that? A I aint got any with me, but I suppose I could get it.

Ben Scott, et al., #2.

Q Did any of your ancestors remove from Mississippi or Alabama and go to the Indian Territory with the other Indians who went between the years 1833 and 1838? A My father had a sister to go by the name of Matilda.

Q Your father's sister, Matilda, went? A Yes sir.

Q Do you know what her other name was? A Matilda Scott.

Q She went to the Territory when? A Just about the time the war commenced.

Q She didn't go with the other Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent in Mississippi, Colonel Ward, that they intended to stay in Mississippi and become citizens of the United States? A Yes sir.

Q Have you any proof of that? A I don't know whether I can get proof or not, but I reckon I can.

Q That was a good many years ago? A I reckon I can; all them people here in them times pretty near died out.

Q You don't know for sure whether they did that? A I don't really know, but I believe they did, for they stayed here.

Q Did you ever hear it stated in the family by your father or mother that any of the old folks, their fathers or mothers, did go to the Indian Agent Colonel Ward in 1830? A No sir.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir, after the death of my father, I was raised off down there, and I wasn't amongst them.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Do you claim to have any negro blood at all? A There might be some in me, but I don't know.

Q Could it be possible that you had a strain of negro blood, did you ever think so? A Well, I don't know, sir, I never give that a thought.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A No sir.

Q Would you like time in which to introduce documentary evidence in support of your application?

A.W. Trotter, attorney for applicant, asks leave to file documentary evidence in support of this application within thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

Ben Scott, et al., #4.

(This applicant has the appearance and characteristics of a full blood Choctaw Indian; there might be possibly a strain of negro blood, but the applicant does not know it, and the traces of negro blood, if any, are very slight. He does not speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article 14 of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and three minor children will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full, all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Meridian, Mississippi,
this 3rd day of August, 1901.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Ben Scott, et al., for
identification as Mississippi Choctaws, M.C.R. 2837.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on July 2, 1901, by Ben Scott for himself and his three minor chil-
dren, Nicodemus, Susanna and Edie Scott, under the following pro-
vision of the act of Congress approved June 28, 1898 (30 Stats., 495)

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that the principal applicant herein is a full-blood Mis-
sissippi Choctaw Indian. The minor applicants herein are mixed-
blood Choctaws, and whatever rights as Mississippi Choctaws they
may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act

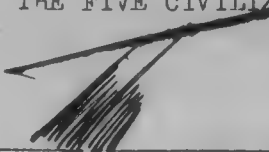
(2)

to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

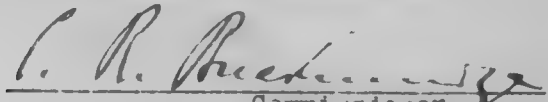
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Ben Scott should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 17 1904

COPYJ

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-eOo-

In the matter of the application of Ben Scott, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:

Ben Scott, et al.,	M.C.R. 2837
Margaret Scott, et al.,	M.C.R. 2839
Seaborn Scott,	M.C.R. 2879
Claborn Scott,	M.C.R. 2880
Reed Scott, et al.,	M.C.R. 2882
Bettie Scott, et al.,	M.C.R. 2836
Nora Moore, et al.,	M.C.R. 5298

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws was made to this Commission
by Ben Scott for himself and his three minor children, Nicodemus,
Susanna and Edie Scott; by Margaret Scott for herself and her two
minor children, Jennie and Wilburn Scott; by Seaborn Scott for him-
self; by Claborn Scott for himself; by Reed Scott for himself and
his minor child, Lillie Scott; by Bettie Scott for herself and her
minor child, Mary Ann Scott; and by Nora Moore for herself and her
five minor children, Leola Sanders and Willie, Rosie E., Mark A.
and Benjamin F. Moore, under the following provision of the act of

Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that Ben Scott, the principal applicant in M.C.R. 2837, who is a full-blood Mississippi Choctaw, was on May 17th, 1904, duly identified as a Mississippi Choctaw, under the provisions of Section forty-one of the act of Congress, approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said Section.

It also appears that all of said applicants, except the principal applicant in M.C.R. 2837, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of George Scott, Polly Scott, Post-Oak John and Martha John, all of whom are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession

(3)

ion of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Scott, or Polly Scott, or Post-Oak John, or Martha John, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1843 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nicodemus Scott, Susanna Scott, Edie Scott, Margaret Scott, Jennie Scott, Wilburn Scott, Seaborn Scott, Claborn Scott, Reed Scott, Lillie Scott, Bettie Scott, Mary Ann Scott, Nora Moore, Leola Sanders, Willie Moore, Resie E. Moore, Mark A. Moore and Benjamin F. Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskegee, Indian Territory,

JUL 29 1904

Commissioner.

M C R
1860 - 2837
2747 - 2483

Muskogee, Indian Territory, April 20, 1903.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

Your letter of April 9, 1903, addressed to I. S. Niles, has been referred to the Commission for reply. In it you ask to be informed as to the status of the applications for identification as Mississippi Choctaws of "the five children of Elijah Tom Watson, deceased, Tom Fortune and children, Ben Scott and children, Martha J. Wright and Ada Wright.

In reply to your communication you are advised that it appears from our records that all the persons named in your letter, with the exception of Ada Wright, are applicants to this Commission for identification as Mississippi Choctaws.

It further appears from our records that on November 1, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Martha L. Wright for the identification of herself and two minor children as Mississippi Choctaws, and on November 12, 1902, the applicant and her attorney were duly notified of such departmental action.

Relative to the other persons mentioned by you the Com-

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mission has not up to the present time reached any opinion or decision relative to their right to be identified as Mississippi Choctaws. As soon as decisions are rendered they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M C R 2837

Muskogee, Indian Territory, November 20, 1903.

A. W. Trotter,
Attorney-at-Law,
Shubuta, Mississippi .

Dear Sir:

~~It appears from the records of the Commission that on July~~
2, 1901, Ben Scott, of Whitefield, Alabama, appeared before the
Commission at Meridian, Mississippi, and made application for the
identification of himself and his three minor children as Mississip-
pi Choctaws. His testimony taken at that time is not clear as to
the amount of Choctaw blood possessed by himself, and you are ad-
vised that before any further action can be taken in said case it
will be necessary that this Commission be furnished with further
evidence, relative to the amount of Choctaw blood possessed by him-
self and his parents.

The Commission is averse to the acceptance of ex-parte
affidavits in support of Mississippi Choctaw cases and prefers,
whenever possible, to have the personal appearance of witnesses for
examination under oath. In the event that such witnesses are un-
able to make personal appearance on account of old age or infirmity,
or are non-residents of Indian Territory, their depositions may be
considered when taken in conformity with the rules and regulations

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governing the procedure in the taking and submission of depositions
in support of applications for identification as Mississippi Choctaws,
a copy of which rules and regulations is herewith enclosed.

Respectfully,

R.R.Dep.

Chairman.

M.C.R. 2837

Muskogee, Indian Territory, May 17, 1904.

Ben Scott,

Whitfield, Alabama,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 17, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

G. W. D. D.

Chairman.

Registered.

Incl. MCR 2837.

M.C.R. 2837

Muskogee, Indian Territory, May 17, 1904.

A. W. Trotter,

Attorney at Law,

Shubuta, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 17, 1904, rendered its decision identifying Ben Scott as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Chairman.

Registered.

M.C.R. 2837
COPY.

Muskogee, Indian Territory, May 17, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 17, 1904, identifying Ben Scott as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Ben Scott as a Mississippi Choctaw, and make satisfactory proof of service of such protest upon the applicant herein. If you fail to file protest within the time allowed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. MCR 2837.

(See MCR 1140 for registry receipt for this letter.)

M.C.R. 2837

COPY.

Muskogee, Indian Territory, July 29, 1904.

Ben Scott,

Whitfield, Alabama,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including Nicodemus Scott, Susanna Scott, and Edie Scott.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 29, 1904.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of Nicodemus Scott, Susanna Scott, Edie Scott, Margaret Scott, Jennie Scott, Wilburn Scott, Seaborn Scott, Claborn Scott, Reed Scott, Lillie Scott, Bettie Scott, Mary Ann Scott, Nora Moore, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore, and Benjamin F. Moore, included in the consolidated case of Ben Scott et al., which embraces the following cases:

Ben Scott, et al.,	M.C.R.	2837
Margaret Scott, et al.,	M.C.R.	2839
Seaborn Scott,	M.C.R.	2879
Claborn Scott,	M.C.R.	2880
Reed Scott, et al.,	M.C.R.	2882
Bettie Scott, et al.,	M.C.R.	2836
Nora Moore, et al.,	M.C.R.	3298.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration

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of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 2837

COPY.

Muskeget, Indian Territory, July 29, 1904.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of Nicodemus Scott, Susanna Scott, Edie Scott, Margaret Scott, Jennie Scott, Wilburn Scott, Seaborn Scott, Claborn Scott, Reed Scott, Lillie Scott, Bettie Scott, Mary Ann Scott, Nora Moore, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore, and Benjamin F. Moore, included in the consolidated case of Ben Scott et al., which embraces the following cases:

Ben Scott, et al.,	M.C.R.	2837
Margaret Scott, et al.,	M.C.R.	2839
Seaborn Scott,	M.C.R.	2879
Claborn Scott,	M.C.R.	2880
Reed Scott, et al.,	M.C.R.	2882
Bettie Scott, et al.,	M.C.R.	2836
Nora Moore, et al.,	M.C.R.	5298.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of

S.A.B. 2

said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

T. B. Needles.
Commissioner in Charge.

M.C.T. 2837

COPY.

Muskogee, Indian Territory, July 29, 1904.

Manfield, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

Beath McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Spott et al.,

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ben Scott et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Ben Scott, et al.,	M.C.R.	2837
Margaret Scott, et al.,	M.C.R.	2839
Seaborn Scott,	M.C.R.	2879
Claborn Scott,	M.C.R.	2880
Reed Scott, et al.,	M.C.R.	2882
Bettie Scott, et al.,	M.C.R.	2836
Nora Moore, et al.,	M.C.R.	5298.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Through the
Commissioner of Indian Affairs.
2 Enc. M C R 2837.

Commissioner in Charge.

W.C. H. 2037

Washoe, Indian Territory, August 17, 1904.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing brief and argument in support of the consolidated Mississippi Choctaw case of Ben Scott, et al., and the same is herewith returned for the reason that such papers must bear proof of service of a copy thereof upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

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Land.
55072-1904.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

October 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Ben Scott for himself and his three minor children, Nicodemus, Susanna and Edie Scott; by Margaret Scott for herself and her two minor children, Jennie and Wilburn Scott; by Seaborn Scott for himself; by Claborn Scott for himself; by Reed Scott for himself and his minor child, Lillie Scott; by Bettie Scott for herself and her minor child, Mary Ann Scott; by Nora Moore for herself and her five minor children, Leola Sanders and Willie, Rosie E., Mark A. and Benjamin F. Moore.

July 29, 1904 the Commission decided adversely to the applicants except Ben Scott, who was on May 17, 1904, fully identified as a full blood Mississippi Choctaw.

The record shows that all except the principal applicant, Ben Scott, claim rights in the Choctaw Nation under Article 14 of the Treaty of Dancing Rabbit Creek by reason of being descendants of Georgie Scott, Polly Scott, Post-Oak John and Martha John, all of whom are alleged to have been full-blood Choctaw Indians.

2--

It further appears from the evidence submitted and from the records of this office that none of the applicants has ever been enrolled, recognized or admitted to citizenship by the Choctaw Nation or by the United States.

It does not appear from the evidence or from the records of this office relating to persons who complied or attempted to comply with the provisions of Article 14, of the Treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that George Scott, or Polly Scott or Post-Oak John, or Martha John or any ancestor less remote signified to any person an intention to comply, or did comply, with the provisions of Article 14 of the Treaty of Dancing Rabbit Creek or presented claims under subsequent legislation. In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very Respectfully,

A. C. Tonner,
Acting Commissioner.

M.M.M.

W.

D.C. 41173-1904.
I.T.D. 10464-1904.

DEPARTMENT OF THE INTERIOR

Y.P.
The

WASHINGTON

October 24, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 15, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Ben Scott, et al (M.C.R. 2837), including your decision of July 29, 1904, which was adverse to all the applicants except Ben Scott, who was on May 17, 1904, fully identified as a full-blood Mississippi Choctaw.

Reporting in the matter October 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

E.A. Hitchcock,
Secretary.

M.C.R. 2837

COPY.

Muskogee, Indian Territory, November 1, 1904.

Ben Scott,

Whitfield, Alabama,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Nicodemus Scott, Susanna Scott and Edie Scott, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED)

T. P. Needles
Commissioner in Charge.

M.C.R. 2837

COPY.

Muskogee, Indian Territory, November 1, 1904.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of Nicodemus Scott, Susanna Scott, Edie Scott, Margaret Scott, Jennie Scott, Wilburn Scott, Seaborn Scott, Claborn Scott, Reed Scott, Lillie Scott, Bettie Scott, Mary Ann Scott, Nora Moore, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore and Benjamin F. Moore, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

T. B. McCallister

Commissioner in Charge.

M.C.R. 2837

Muskogee, Indian Territory, November 1, 1904.

A. W. Trotter,
Attorney at Law,
Shubuta, Mississippi,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of Nicodemus Scott, Susanna Scott, Edie Scott, Margaret Scott, Jennie Scott, Wilburn Scott, Seaborn Scott, Claborn Scott, Reed Scott, Lillie Scott, Bettie Scott, Mary Ann Scott, Nora Moore, Leola Sanders, Willie Moore, Rosie E. Moore, Mark A. Moore and Benjamin F. Moore, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Commissioner in Charge.

M.C.R. 2037

COPY.

Muskogee, Indian Territory, November 1, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott, et al., of which decision was mailed you on the 29th day of July, 1904.

Respectfully,

(SIGNED)

I. B. McCall
Commissioner in Charge.

#1060

No.

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name Ben Scott.

Age 54 Blood full

Post Office, Whitfield, Ala

Father: William Scott, d

Mother: Ann " full, d

Claims through both parents
wife Eliza - negro. (full)

No claim for wife

Children:

Nicodemus 18
(NICODEMUS)
Susanna 13
Eddie (girl) - 12

Claims for self &
children.

Stenographer

R. A. Strait

Ben Scott et al

DECISION RENDERED MAY 17 1904

IDENTIFIED MAY 17 1904

R 2837

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

FORWARDING ATTORNEY
FOR APPLICANT

MAY 17 1904

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

NOTICE OF DECISION
FORWARDED ATTORNEY

FOR APPLICANTS.

JUL 29 1904

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION AFFECTED

SECRETARY

REFER TO M. O. R.

2806-0778

END
OF
ROLL

